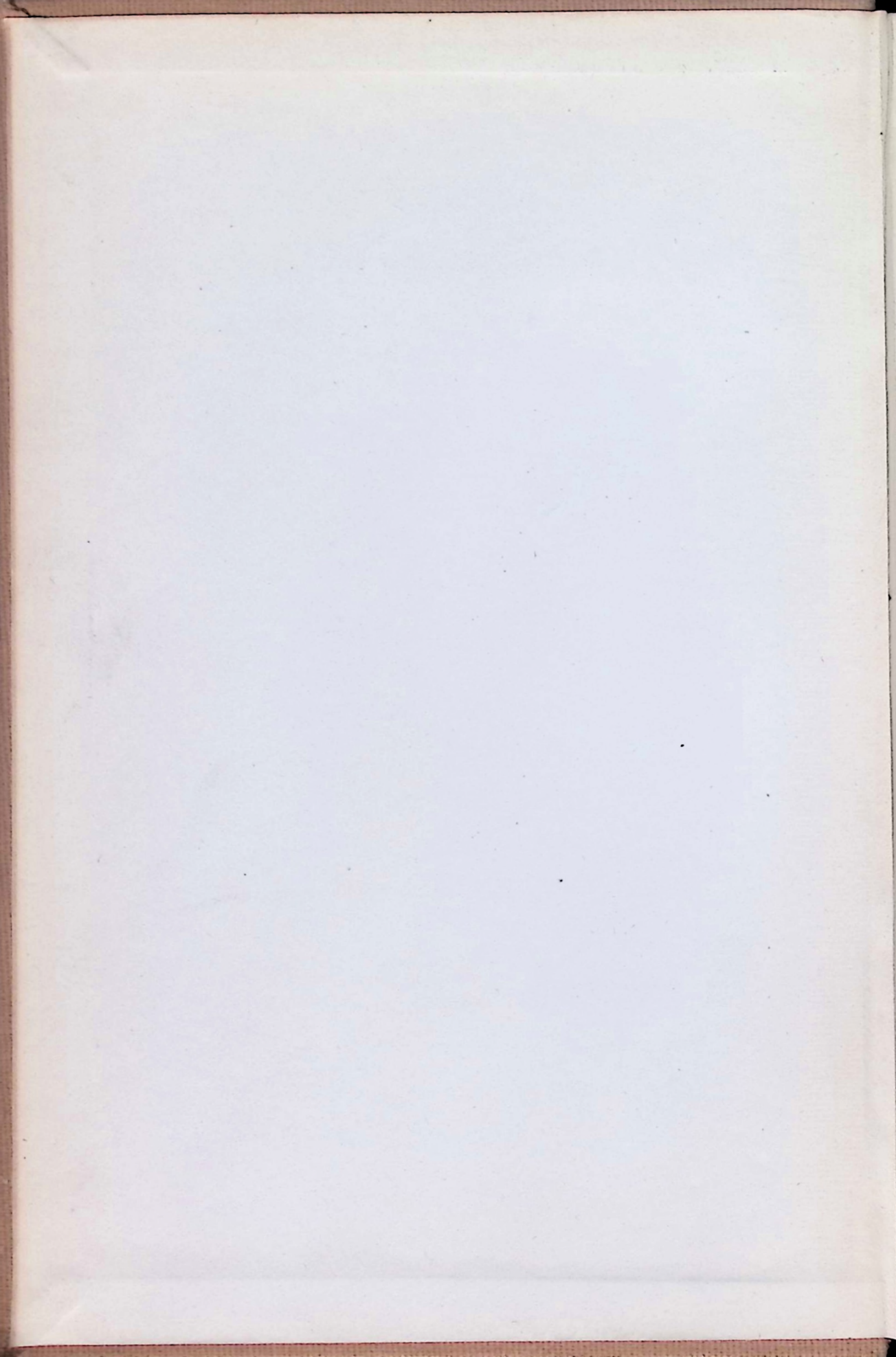
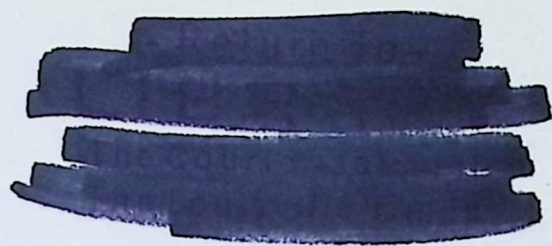


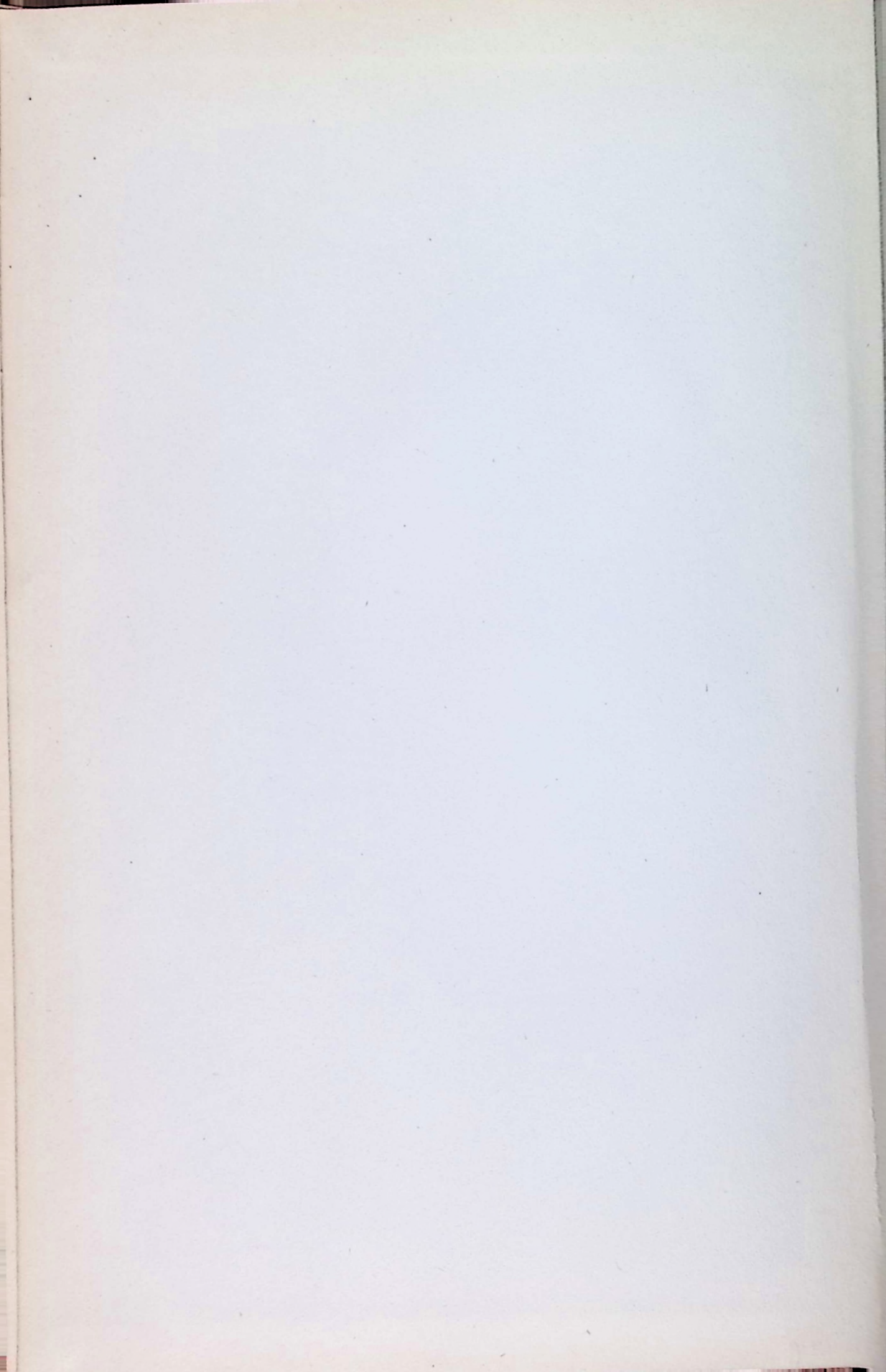
The
Louisville Water Company



Its History, Rates, Statistics,
and a Digest of Kentucky
Decisions on Public
Water Supply.







THE LOUISVILLE WATER COMPANY

ITS HISTORY, RATES, STATISTICS,
AND A DIGEST OF DECISIONS OF THE COURT
OF APPEALS OF KENTUCKY IN
CASES RELATING TO PUBLIC
WATER SUPPLY



Compiled by A. J. CARROLL

Attorney for Board of
Water Works

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THE LOUISVILLE WATER COMPANY

THE Louisville Water Company was chartered by special act of the General Assembly of Kentucky, approved March 6, 1854. It was authorized to construct within the City of Louisville, or elsewhere, waterworks for the purpose of supplying said city and its inhabitants with water. It was provided that the capital stock of the corporation should consist of not more than 10,000 shares, of the par value of \$100 each, and by an amendatory act, approved February 28, 1867, the authorized capital stock was increased to 25,000 shares of the par value of \$100 each. The City of Louisville was given authority to purchase the property at any time and also to subscribe for stock of the corporation.

By ordinance, approved June 30, 1856, the city subscribed for 5,500 shares of the capital stock and on May 1, 1857, six per cent bonds, due thirty years from their date, to the amount of \$672,000, were issued for the purpose of paying said subscription. By ordinance, approved January 14, 1859, the city subscribed for 2,200 additional shares of the capital stock, and on May 1, 1859, six per cent bonds, due thirty years from their date, to the amount of \$284,000, were issued to pay said subscription. By ordinance, approved June 18, 1867, the city subscribed for 5,000 additional shares of the capital stock and on July 1, 1867, six per cent bonds, due thirty years from their date, to the amount of \$500,000, were issued to pay said subscription. In this way the city became the owner of 12,700 shares of the capital stock. By act, approved March 13, 1869, the stock so owned by the City was added to the resources of the Sinking Fund of the City, and on February 16, 1870, certificate No. 34 for 12,700 shares was transferred to the Commissioners of the Sinking Fund.

By ordinance, approved February 8, 1873, \$76,000 of bonds of the City of Louisville were delivered to the

Water Company, of which amount \$20,000 was to be applied in payment of a note executed by the City to the Water Company for a like amount, and \$12,000 in payment of bills due from the city for water for the year 1872. The remainder of the bonds were received as advance payment for water for the years 1873, 1874 and 1875. The total amount of bonds issued by the City of Louisville on account of the Louisville Water Company was, therefore, \$1,532,000.

The total number of shares of stock issued by the Company was 12,751, representing a total par value of \$1,275,100. Of this amount, the City of Louisville, as stated, acquired, prior to 1868, 12,700 shares, leaving in the hands of various individual stockholders a total of 51 shares. On July 10, 1870, one of these shares was purchased by the city, the price paid being \$154.15; in May, 1871, forty-five shares were purchased, the total price being \$4,500; on December 4, 1900, one share was purchased, the price paid being \$310; on June 25, 1903, one share was purchased, the price paid being \$600, and on April 19, 1907, the three remaining shares were acquired, the total price paid for same being \$463.05, and the City of Louisville thereby became the owner of all of the shares of the capital stock of the corporation.

The affairs of the corporation continued to be conducted by directors elected by the stockholders, the directors in turn choosing the officers, until the passage of the act, approved March 6, 1906, creating the Board of Water Works of the City of Louisville, which Board has since had the management and control of the property.

The actual construction of the waterworks was commenced in 1856 and the first water was pumped in October, 1860, into the old reservoir on the hill overlooking the river. At that time the distribution system of the Company consisted of 26 miles of mains. The total cost of the original plant was \$829,455.81. The work was designed by Mr. Theo. R. Scowden, Chief Engineer, assisted by Mr. Chas. Hermany. The latter succeeded Mr. Scowden as Chief Engineer on January 1, 1861, and

remained in that position until his death in January, 1908. The original pumping plant was built by Roche & Long of Louisville and consisted of two Cornish engines with a combined capacity of 12,000,000 gallons in twenty-four hours. For over thirty years these pumps furnished an uninterrupted supply of water to the City of Louisville. In 1893, River Pumping Station No. 2 was completed and equipped with a Leavitt 16,000,000 gallon vertical, compound pumping engine, which, in conjunction with the Cornish engines, pumped all of the water necessary until early in 1909 when an additional 24,000,000 gallon vertical, triple expansion pumping engine was placed in commission. In 1914 a centrifugal pump with a capacity of 30,000,000 gallons in twenty-four hours was installed at River Pumping Station No. 2. In the same year a Holly pump with a capacity of 24,000,000 gallons in twenty-four hours was installed at the Crescent Hill Pumping Station.

Work on the Crescent Hill Reservoir was commenced in 1876 and completed in December, 1879.

During 1896 and 1897, a series of experiments were conducted with a view to filtering the city's water supply. This investigation was one of the pioneer movements in this country along the line of water purification on an extended scale, and resulted in the designing and construction of the present filter plant. The first steps in the actual construction of this plant were taken in 1898, when contracts for the clear water basin and filter house were awarded. The work under these contracts was completed in 1902 and the coagulant house and filter plant were completed a short time thereafter.

The clear water basin is a covered concrete reservoir 392 feet wide, 460 feet long and 22 feet deep. The roof consists of a series of Groined arches supported by massive concrete columns, each 40 inches in diameter and 22 feet high and spaced 22 feet apart from center to center. This basin covers an area of 18,000 square feet and has a capacity of 25,000,000 gallons. The filter house is located over the easterly end of this basin. The filter

plant consists, first, of a coagulating basin having two compartments, one 180 feet by 340 feet with a capacity of 4,000,000 gallons, and the other 160 feet by 340 feet with a capacity of 8,000,000 gallons; second, a solution tank in duplicate, each section holding 140,000 gallons, where the aluminum sulphate solution is mixed and stored and from which it is conveyed to the coagulating basin; and third, the filter proper having a filtration capacity of 75,000,000 gallons per day of twenty-four hours.

The results obtained through the operation of the filter have been satisfactory in every particular. The turbidity of the Ohio River water, which is sometimes as high as 5,000 parts per million, has been uniformly reduced to zero, or absolute clarification, and the bacteria has been reduced 99 per cent. This result is accomplished without increasing the hardness of the water and without leaving the slightest perceptible evidence of any alum remaining in the filtered water. By means of the filtration plant more than 7,000 tons of mud are removed annually from the water supplied to the city, being equivalent to about twenty wagonloads daily. Prior to the construction of the filter plant and Crescent Hill Pumping Station the water pressure in the city was that due to the height of water in the Crescent Hill reservoir but by transferring the final source of supply to the clear water basin there was an average loss of head of more than 40 feet. In order to overcome this loss, and to furnish adequate pressure the Crescent Hill Pumping Station was designed and constructed. The water from the clear water reservoir is now pumped up into the riser of the standpipe at Crescent Hill to a height of about 100 feet above the street level, resulting in a pressure of 40 pounds per square inch at the engines and from 70 to 75 pounds in the commercial center of the city.

In 1910 a new office building was erected on Third Street, between Green and Walnut Streets, at a cost of \$60,000. This building is one of the most commodious and best equipped in the United States. In 1914 a meter house and shop was erected on the lot adjoining the office building, and in 1915 a large warehouse was constructed.

In 1913 an intake and screen tower was completed at the River Pumping Station at a cost of \$101,110.52.

The development of the business of the Company is strikingly shown by the following facts as of October 31, 1916:

Total rated pumping capacity at the river per day of	
24 hours.....	72,000,000 gals.
Reservoir capacity at Crescent Hill.....	137,000,000 gals.
Filtration capacity per day of 24 hours.....	75,000,000 gals.
Rated pumping capacity at Crescent Hill per day of	
24 hours.....	72,000,000 gals.
Miles of water mains.....	407.47
Number of service connections.....	45,650

In addition, a contract has recently been awarded for the construction of a new river pumping station. In this station one 30,000,000 gallon pump will be installed which will increase the total pumping capacity at the river to 102,000,000 gallons in twenty-four hours. The total estimated cost of the station fully equipped is \$660,000. In 1916 a new forty-eight-inch main was constructed from the river pumping station to the Crescent Hill reservoir at a cost of \$186,500.

The Board of Water Works has had the management and control of the property since March 21, 1906. During this period many important additions and improvements have been made to the plant. From 1909 to 1916, inclusive, 196.8 miles of pipe were cleaned at a cost of about \$58,000; from 1905 to 1915, inclusive, 124.05 miles of pipe were laid.

An idea of the great constructive work done during this period can be gathered from the following summary:

Allis-Chalmers Engine, 24,000,000 gallons capacity, completed December 31, 1909, cost.....	\$199,615.19
Holly Engine, 24,000,000 gallons capacity, completed December 31, 1909, cost.....	166,876.54
New Office Building, completed January 1, 1911, cost	59,638.98
Intake and Screen Tower, at River Station, completed January 31, 1911, cost.....	101,110.52
Cleaning Reservoirs at Crescent Hill Reservoir, completed December 7, 1912, cost.....	115,613.86
New Meter Shop and Wagon Shed, completed August 31, 1913, cost.....	31,278.02

Coagulating Basin, at Crescent Hill Reservoir, completed May 31, 1914, cost.....	134,768.71
New Filter Beds at Crescent Hill Station, completed November 9, 1914, cost.....	156,560.00
Centrifugal Pump, completed July 31, 1915, cost.....	123,498.68
New Warehouse Building, completed January 1, 1916, cost.....	27,239.20
Filter and Wash Water Tower, at Crescent Hill Station, Estimated cost.....	150,000.00
Thirty-six inch (36") Pump Main, 11,463 feet in length, Approximate cost.....	90,000.00
New 48" Main, incomplete, estimated cost.....	168,500.00
New Pumping Station and Engine, Proposed new River Pumping Station and 30,000,000 gallon pump and additional Boiler, capacity, estimated cost.....	660,000.00
Total.....	\$2,184,699.70

A statement of the assets and liabilities of the Company as of October 31, 1916, is as follows:

ASSETS

Cost of Physical Property and Equipment of Louisville Water Company.....	\$9,162,127.10
Other Assets.....	1,229,925.33
Total Assets, October 31, 1916.....	\$10,392,052.43

LIABILITIES

Second Mortgage four per cent Bonds, Issue 1906, dated July 2, 1906—40 years.....	\$1,000,000.00
Second Mortgage four per cent Bonds, Issue 1910, dated May 5, 1910—40 years from August 1, 1910.....	500,000.00
Other Liabilities.....	77,194.26
Total Liabilities, October 31, 1916.....	\$1,577,194.26

Prior to the creation of the Board of Water Works the Company had but three Presidents, A. Harris, from 1856 to 1864; Wm. F. Barret, from 1864 to 1874; Chas. R. Long, from 1874 to 1906. During the same period there were but two Chief Engineers, Theo. R. Scowden, from 1856 to 1861, and Charles Hermany, from 1861 to 1906.

In addition to Mr. Harris, Mr. Barret and Mr. Long, the following gentlemen, at various times, from 1856, to March, 1906, served as members of the Board of Directors of the Company: D. S. Benedict, D. L. Beatty, T. C. Coleman, H. T. Curd, A. C. Badger, Wm. Inman, A. L.

Shotwell, Jas. S. Lithgow, B. J. Adams, J. W. Kalfus, W. B. Belknap, J. M. Monohan, Geo. Ainslie, John G. Baxter, John B. Smith, Dennis Long, J. T. Tompkins, J. W. Story, B. DuPont, D. P. Faulds, Jas. Bradley, John T. Moore, R. B. Alexander, W. W. Smith, T. L. Burnett, J. C. Gilbert, L. S. Reed, Geo. W. Griffiths, A. A. Stoll, Jas. S. Barret, W. T. Rolph, P. Galt Miller, John J. Schulten, R. Baylor Hickman.

The Presidents of the Board of Water Works have been as follows: Chas. R. Long, from March, 1906, to April, 1907; Sebastian Zorn, from April, 1907, to 1910; Chas. F. Grainger, from 1910 to 1914; W. O. Head, from 1914 to the present time. In addition to the Presidents named above, the following have served as members of the Board of Water Works: Marion E. Taylor, from March, 1906, to April, 1909; S. P. Jones, from March, 1906, to April, 1909; Chas. F. Huhlein, from April, 1908, to April, 1912; C. C. Mengel, from April, 1909, to April, 1913; Davis Brown, from April, 1910, to April, 1914; Caldwell Norton, from April, 1912, to April, 1916; Edward P. Humphrey, from April, 1913, to the present time; John W. Klein, from April, 1915, to the present time; Edward J. McDermott, from April, 1916, to the present time. During the period covered by the Board of Water Works the following have filled the office of Mayor of the City of Louisville, and, by virtue of that position, been ex-officio members of the Board: Paul C. Barth, from December, 1905, to July, 1907; R. W. Bingham, from July, 1907, to December, 1907; Jas. F. Grinstead, from December, 1907, to December, 1909; W. O. Head, from December, 1909, to December, 1913; John H. Buschemeyer, from December, 1913, to the present time.

The following have been the Chief Engineers during the period the Board of Water Works has controlled the property: Charles Hermany, from March, 1906, to January, 1908; S. Bent Russell, from February, 1908, to August, 1908; Theodore A. Leisen, from August, 1908, to June, 1914; J. B. Wilson, from June, 1914, to the present time. Webster Gazlay was Associate Engineer from April, 1907, to October, 1909.

ACT CREATING BOARD OF WATER
WORKS, BEING SECTION 3024a,
KENTUCKY STATUTES

1—*City to Control Water Works.* Whenever any city of the first class is the owner (through its commissioner of the sinking fund) of all the shares of capital stock in any corporation existing under the laws of this Commonwealth, engaged in supplying water to such city and inhabitants thereof, such city shall control, manage and operate the plant of such corporation, including its franchise, and all other property of every kind and description, in the manner hereinafter provided.

2—*Board of Water Works—Appointment.* The mayor of any such city shall appoint, subject to the approval of the board of aldermen, four (4) persons, who shall constitute a body corporate and be known as its "Board of Water Works" and the mayor of such city shall be an ex-officio member of said board of water works. Each appointee shall be at least thirty years of age and reside within the city and be the owner in his own right of real estate situated therein. No officer or employee of said city, whether holding a paid or unpaid office, shall be eligible for appointment to the said Board. The terms of office of the persons first appointed, as above provided, shall be as follows: One for a term of one year; one for a term of two years; one for a term of three years, and one for a term of four years. Thereafter, as their terms expire, their successors shall be appointed in the same manner, but for the terms of four years each, and such appointees shall be eligible to succeed themselves. All vacancies upon the board, whether caused by death or resignation shall be filled for the unexpired term by appointment in the same manner. Each member shall hold his office until his successor has been appointed and qualified. (Sub-section as amended by act 1910-24.)

3—*Oath of Office.* Each member shall qualify for his office by taking oath before some one authorized to administer the same, that he will faithfully perform the duties of a member of the Board of Water Works, which oath of office shall be filed with the board of sinking fund commissioners.

4—*Officers of Board.* Said board shall annually elect a president, a treasurer, a secretary and a chief engineer, who shall hold their offices for one year, or until their successors have been duly elected and qualified, and devote all their time to the duties of their respective offices. No member of said board, except the president, shall receive a salary. The president shall be elected from the members of the board. The president, secretary and treasurer shall each give bond, with approved surety, in such amount as may be fixed by the board, which bond shall be payable to the board of water works, and obligate the makers thereof to perform faithfully the duties of their several offices and faithfully account for and pay over all money or other things of value which may come into their several hands. The combined salaries of the president, treasurer and secretary shall not exceed the sum of nine thousand dollars. The board shall have authority to appoint such other agents or employees as they may deem necessary or proper and to fix the compensation of its officers, agents or employees: Provided, however, That the salary of no officer, agent or employee shall exceed the sum of five thousand dollars per annum.

5—*Powers of Board.* Said board of water works so constituted shall be vested with all the authority, rights, powers and privileges, and exercise all the franchises of the corporation of which such city owns all the stock, as described in the first section of this act; it shall have the possession, control and management of all the property, of every kind and description, real, personal or mixed, of said corporation; it shall have the authority to contract and be contracted with, to sue and be sued, but all such contracts shall be made and all such suits shall be prosecuted or defended in the name of the corporation in

which such city owns all of the stock, as above described: Provided, however, That nothing in this act shall in any way affect the provisions of sub-section 13 of section 3010, of the Kentucky Statutes, which adds the stock owned by cities of the first class in its water works company to the resources of the sinking fund of such city.

6—*Water to be Furnished City Free—Exemption From Taxation.* Any such city of the first class shall have, through its board of water works, the use free of charge of all the water necessary for its fire department, its police department, its public buildings, its school board, and for sprinkling its public highways, including its parks and parkways, and shall in turn exempt all the property, both tangible and intangible, of which it has the control through its board of water works from taxation for municipal purposes, and shall not include any of said property in its assessments for taxation; but nothing herein provided shall affect the right and duty of said board of water works to fix, make and collect reasonable sums or rates for the use or sale of water furnished to any other individual, firm or corporation, whether the same be by assessment or meter measurement, in its discretion.

7—*Terms Upon Which Water Company May Use Streets to be Fixed.* The general council of any such city of the first class shall have the authority, by ordinance duly enacted, to fix such reasonable terms and conditions upon which such board of water works shall exercise its right to cut into the streets, alleys or other public ways of the city, and it shall be the duty of the board of water works to observe the same.

8—*Debts to be Paid.* All of the lawful debts and obligations of any such water works corporation, described in the first section of this act, existing at the time this act shall take effect, and all of the debts and obligations created by said board of water works in the management and operation of said properties and in the performance of its duties herein provided, shall be paid and discharged out of the property and rents, earnings and incomes de-

rived therefrom and coming into the hands of said board, and such city of the first class shall not be liable as a municipal corporation for any such debts or obligations.

9—*Board May Borrow Money.* Said board of water works shall have the authority to borrow money and execute the necessary writings therefor, not to exceed the gross receipts for the current years, for the purpose of providing for any of the obligations of said water works corporation and for the current expenses of said board; and, in addition thereto, whenever said board shall deem it expedient to provide for the refunding of any outstanding bonds of such water works corporation or the funding of its floating indebtedness, it shall have the authority (the commissioners of the sinking fund of such city having first, by resolution consented thereto) to issue for either or both of said purposes the bonds of such water works corporation not to exceed in amount the sum of one million five hundred thousand (\$1,500,000) dollars, in denominations of one thousand (\$1,000) dollars each, to mature not exceeding forty years from date, bearing interest at a rate not to exceed four per cent per annum, payable semi-annually, such interest to be evidenced by coupons attached, said bonds to be signed by the president and secretary of said board, and said coupons to be evidenced by the engraved signature of the secretary, and to secure the said bonds, with the coupons so attached, by a mortgage upon the rights, privileges, franchises and property of said water works corporation. Said bonds, when so issued, shall be placed with and sold by the commissioners of the sinking fund at a price not less than their face value and the proceeds applied by said commissioners to the purpose for which the bonds were issued. It shall be the duty of the said board of water works to provide, at any time any such bonds are issued, for a sinking fund which shall be sufficient to pay said interest coupons and to retire the principal of said bonds at maturity, which sinking fund shall be deposited by said board with the commissioners of the sinking fund of such city to be invested, managed, controlled and applied by said com-

missioners for the payment of the interest and principal of the bonds so issued. The total bonded debt upon said property outstanding at any time shall not exceed one million five hundred thousand (\$1,500,000) dollars. (Sub-section as amended by act 1910-24.)

10—*Rules and Reports of Board.* Said board of water works shall have the authority to establish and enforce such reasonable rules and regulations for its own government, including the signing and execution of the contracts referred to in section 5 of this act, as it may deem expedient: Provided, however, That said board shall make quarterly a financial statement, showing its liabilities, receipts and expenditures, and deliver a copy thereof to the general council of the city, same to be spread upon its minutes. The books and accounts of said board shall at all times be open to inspection and examination by the mayor of the city and the commissioners of the sinking fund through their duly appointed agents.

11—*Repealing Clause.* All acts and parts of acts inconsistent herewith, whether contained in general or special statutes, are hereby repealed. (This section is an act of March 6, 1906.)

CHARTER OF THE LOUISVILLE WATER COMPANY AND AMENDMENTS THERETO

Be it enacted by the General Assembly of the Commonwealth of Kentucky

Section 1. That Thomas E. Wilson, Bland Ballard, John R. Hamilton, Charles J. Clarke, Andrew Graham, and Curran Pope, their associates and successors, are hereby made a corporation, by the name of the Louisville Water Company, with power and authority to construct and establish waterworks, within the City of Louisville, or elsewhere, for the purpose of supplying said City and its inhabitants with water.

Sec. 2. The capital stock of said corporation shall consist of not more than ten thousand shares, and no assessment shall be laid thereon of a greater amount, in the whole, than one hundred dollars upon each share. Said corporation may issue its bonds for such amount as it may find necessary, payable in not more than thirty years from their issue, and sell the same at such discount as they may deem advisable, and secure the same by a mortgage of the lands and water rents.

Sec. 3. The affairs of said corporation shall be managed by six Directors and a President, who shall be stockholders in the corporation; and a majority of the Directors shall be citizens of Kentucky. The Directors shall be annually chosen by the stockholders, at such time and place as may be designated by the by-laws of the corporation. The Directors may fill vacancies in their own Board, and appoint a President from among the stockholders or Directors, and such other officers and agents as may be required to conduct the business of the corporation. The Directors shall hold their offices until their successors are elected; and a majority of them shall constitute a

quorum. At all elections the stockholders may vote in person, or by proxy, authorized in writing, and each share shall be entitled to one vote.

Sec. 4. The said corporation may purchase, take, and hold in fee simple, or for any less estate, any lands necessary for the object of this act, and for the convenient management of the concerns of the corporation; and may acquire the right to lay their pipes and aqueducts through any land through which it may be necessary to lay the same, and to repair the same when necessary; and may erect and establish such buildings, engines, machinery, and reservoirs as may be required for the purpose aforesaid. If the proprietors of any lands, which said corporation may need for any of the purposes aforesaid, or the right of way through which the corporation may require for laying its pipes and aqueducts, do not agree with the company the price to be paid therefor, the company may acquire such land, or right of way, by a writ of *ad quod damnum*, in the same manner that turnpike-road companies are authorized to do by the 103d chapter of the Revised Statutes, which took effect on the first of July, 1852.

Sec. 5. The corporation is hereby authorized and empowered to take water from the Ohio River, or any other stream or place; and may lay its pipes or aqueducts under or over any railroad, canal, highway, street, or wharf; but the same shall be done in such manner as not to obstruct or impede the passage thereon. In laying its pipes or aqueducts across or through any highway or street, and in repairing such pipes and aqueducts from time to time, said corporation shall not unnecessarily obstruct such highway or street; and in every case of the removal of any earth or pavement, in any such highway or street, the said corporation shall cause the earth to be replaced, and the pavement to be laid new, so that such highway or street shall be in as good condition as the same was before such removal.

Sec. 6. In the laying and construction of the pipes and aqueducts in the City of Louisville, the same shall be

so laid and constructed, that an abundant supply of water can be drawn therefrom for the extinguishment of fires; and said corporation shall furnish water to the City of Louisville, for the extinguishment of fires and cleaning streets, upon such terms as may be agreed between it and the authorities of said city; and it shall have the exclusive right to furnish water to the inhabitants of said city, by means of pipes or aqueducts, if the authorities of said city shall agree thereto, and upon such terms, and for such time, as may be agreed.

Sec. 7. The said corporation is hereby empowered to sell the privilege of using the water which may be conducted through its pipes or aqueducts to any corporation or person; and the said corporation may make all reasonable rules and regulations as to the manner and the times in which said water may be taken and used.

Sec. 8. The City of Louisville may at any time purchase the said corporation, its franchise, and all its personal and real property, by paying therefor such a sum as, together with its receipts, will reimburse the whole amount expended, with an annual interest of ten per cent; and from and after the execution of the conveyance, the said City of Louisville shall have all the right, and be subject to all the duties in this act expressed as to said corporation.

Sec. 9. If any person shall willfully and maliciously defile, corrupt, or make impure any water used by said corporation, or destroy or injure any pipe, aqueduct, or machinery, or other property of said corporation, such person, and all who shall aid or abet therein, shall forfeit, to the use of said corporation, treble the amount of damages caused thereby, and shall be liable to a fine of not exceeding one thousand dollars, or to imprisonment in the Workhouse of the City of Louisville for not exceeding one year.

Sec. 10. This act shall be void, if the city authorities of Louisville shall provide, by ordinance, for the construction of said Water Works, as authorized by an act approved twenty-fourth day of March, 1851, entitled an

act to charter the City of Louisville, and such ordinance shall be approved by a majority of the qualified voters of said City, voting for or against the same, on or before the first Monday in July, 1854; and said Council shall, within four months thereafter, provide to carry such ordinance into effect by contracting or causing contracts to be made for the said works; and said votes may be taken on such day as the said Council may designate by resolution; but such ordinance and resolution shall be published in at least two newspapers printed in Louisville, at least ten days before the voting; and the city may raise the money necessary to the construction of said Water Works by issuing and selling her bonds, having thirty years to run, and secured by a pledge of the water rents.

Sec. 11. That the price of water, furnished by said company to the City of Louisville, shall not exceed the average price charged in the cities of Pittsburg, Cincinnati, and St. Louis; and the company hereby incorporated shall complete said Water Works in three years from the date hereof; otherwise, this charter shall be forfeited.

Approved March 6, 1854.

AN ACT to Amend an Act Incorporating The Louisville
Water Works Company

*Be it enacted by the General Assembly of the Commonwealth
of Kentucky:*

Section 1. That an act entitled "An Act to incorporate the Louisville Water Works Company," approved March 6, 1854, be and same is hereby amended so that no one who is not a citizen of Kentucky shall be qualified to hold the office of Director or President in said company.

Sec. 2. That the time fixed for the completion of said Water Works, mentioned in section eleven of the Act of Incorporation aforesaid, be and the same is hereby extended to the first day of January, 1859.

Sec. 3. That so much of said Act of Incorporation as is inconsistent with the provisions of this act be and the same is hereby repealed; and that this act shall take effect from and after its passage.

Approved March 3, 1856.

AN ACT to further amend an act incorporating the Louisville Water Works Company

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That an act to incorporate the Louisville Water Works Company, approved March 6, 1854, be and the same is hereby renewed and amended so as to allow said company such other and further time as said company may require to complete said Works, and make all extensions that the further growth of the City of Louisville may from time to time render necessary.

Sec. 2. The term for which Directors hereafter shall hold office shall be three years. Any citizen of Louisville who is qualified to hold a seat in the General Council shall be eligible as Director or President in said company, whether he be a stockholder or not.

Sec. 3. The next annual election for Directors shall be held the first Monday in October, 1860, when six Directors shall be elected, two of whom shall hold office for one year, two for two years, and two for three years, the respective terms to be determined by lot; and thereafter there shall be two Directors elected annually; any vacancy which may occur by death, resignation, removal, or otherwise, shall be filled by the Board, and the person thus appointed shall hold his place for the unexpired term of the one in whose stead he is elected. If at any time an election of Directors shall not take place on the day appointed by this act, the corporation shall not for that cause be dissolved, but an election may be held on

another day, in such manner as may be prescribed by the Directors or provided for by the by-laws of the company.

Sec. 4. Said company may establish rules and regulations for and concerning the conduct of all such persons or corporations as shall use the water from said Works so far as respects the preservation and use, and restraining the waste thereof, and may thereby impose penalties and forfeitures for any violation of said rules and regulations, so that such penalties and forfeitures shall not in any case exceed twenty dollars, which penalties may be recovered with costs in the name of the company before any Justice of the Peace in the County of Jefferson or City of Louisville. Said rules and regulations shall be published four weeks successively, in three of the daily newspapers published in the City of Louisville; and a copy of said rules and regulations, certified by the President or Secretary of said company, with an affidavit of the publication of the same made by one of the publishers of said papers or by the foreman in their offices, shall be received as evidence in all courts and places.

Sec. 5. If any person shall willfully and maliciously defile, corrupt, or make impure any water used by said corporation, or destroy or injure any pipe, aqueduct, reservoir, fountain, building, or machinery belonging to said company, such persons shall be liable in civil action to said company for treble the amount of damages caused thereby, to be recovered in the name of the company before any court having jurisdiction of the amount claimed; and the party so offending shall also be liable to a criminal proceeding by way of indictment in the Jefferson Circuit Court, and subjected to a fine of not exceeding one thousand dollars, or to imprisonment in the Workhouse of the City of Louisville for not exceeding one year.

Sec. 6. If any person shall in anywise injure any of the improvements, fencing, grounds, shrubbery, trees, grass, walks, or drives upon the lands of said company, said person shall be liable to said company in treble the

amount of damage caused thereby, to be recovered in the name of the company before any court having jurisdiction of the amount claimed.

Sec. 7. Said company is authorized to appoint one or more persons to supervise and take charge of the reservoir and engine-house grounds, who by virtue of said appointment shall be vested with all the power of a policeman of the City of Louisville, to preserve order, and arrest all trespassers and offenders against the provisions of this act, the original, and such rules and regulations as may be passed and established by said company.

Sec. 8. The General Council of the City of Louisville are hereby vested with power and authority to pass such ordinances as to them shall seem meet and proper to afford any further additional protection to said Works, either in or out of the corporate limits of the City of Louisville, provided said ordinances are not inconsistent with the Constitution or laws of this State.

Sec. 9. So much of the act entitled "An Act to charter the Louisville Water Works Company," approved March 6, 1854, and so much of an act entitled "An Act to amend an act incorporating the Louisville Water Works Company," approved March 3, 1856, as inconsistent with the provisions of this act, is hereby repealed.

Sec. 10. This act to take effect from its passage.

Approved January 20, 1860.

AN ACT to amend the charter of the Louisville Water
Company

*Be it enacted by the General Assembly of the Commonwealth
of Kentucky:*

Section 1. That the act incorporating the Louisville Water Company, and the act amendatory thereof, be and the same are hereby amended so as to increase the capital stock of said company fifteen thousand shares, in addition to the stock now authorized to be subscribed.

Sec. 2. That the Directors of said company shall not receive subscriptions for said additional stock, or any part thereof, until the General Council of the City of Louisville shall have given their consent to the same, by ordinance or resolution, on such terms and conditions as the General Council shall prescribe.

Sec. 3. That the said City of Louisville, in its corporate capacity, shall have, and is hereby invested with the right and power to take and subscribe for said stock, or any part thereof, by ordinance or resolution of the General Council, and to pay for the stock on such terms as the Directors of said company and the city may agree. The said city shall have authority, and power is hereby granted, by ordinance or resolution of the General Council, to issue and sell the bonds of said city, payable in not less than twenty nor more than thirty years from their date in denominations of one thousand dollars each, with coupons attached thereto, payable semi-annually, bearing interest of not less than six nor more than seven and three-tenths per cent per annum; which bonds, when so issued, may be paid and delivered to said Louisville Water Company in payment of any stock thus subscribed by said City.

Sec. 4. That it shall be lawful for said Louisville Water Company to issue the bonds of said company in denominations of one thousand dollars each, payable in not less than twenty nor more than thirty years, with coupons attached thereto, bearing interest of not less than six nor more than seven and three-tenths per cent per annum, payable semi-annually, and may execute a mortgage on the property and income of said company for the payment of the same.

Sec. 5. That this act shall take effect and be in full force from and after its passage.

Approved February 28, 1867.

AN ACT to relieve the directors and officers of the Louisville Water Company from service as grand and petit jurors in the county of Jefferson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Directors and officers of the Louisville Water Company be and they are hereby exempt from service as grand and petit jurors in and for the County of Jefferson.

Sec. 2. That this act take effect and be in full force from and after its passage.

Approved March 22, 1871.

CHAPTER 620

AN ACT for the benefit of the Louisville Water Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That all rules and regulations that may be adopted by the Louisville Water Company for the use of water by all persons or corporations shall be published three times in two daily papers (one English and one German), published in the City of Louisville, and a copy of said rules and regulations, and all amendments made thereto, and likewise published and certified to by the President or Secretary of said company, with an affidavit of the publication of the same made by one of the publishers of said papers, shall be received as evidence in all courts having jurisdiction.

Sec. 2. All special rules and regulations that may be adopted by said company for the private or public use of water by any person or persons, firm or corporation, and recorded in the minutes or proceedings of the Board of Directors of said company, shall be received as evidence in all courts having jurisdiction.

Sec. 3. Any person or persons, firm or corporations, using or taking water from any public or private hydrant on service connection of the Louisville Water Company, or any service connected with said company's pipes, without first obtaining a license or permit therefor from said company, shall be fined not less than five nor more than twenty dollars for each offense, and a reasonable charge in addition thereto for the use of water as per the tariff of rates established by said company, said fine or fines, and the charge for water to be recoverable, in the name of the Louisville Water Company, in any court of competent jurisdiction, and said fine or fines, when collected, shall be paid into the City Treasury, and the amount recovered for the use of water to go to said company.

Sec. 4. Said Louisville Water Company is hereby vested with power to appoint one or more persons to be in charge of its premises, warerooms, pipe yard, service attachments, and hydrants for water supply, for private or public use, in the City of Louisville, and for the grounds, reservoirs, engine houses, roads, avenues, and fences in the County of Jefferson, who, by virtue of their several appointments, shall be vested with all the power of a policeman of the City of Louisville or County of Jefferson to preserve order and arrest all offenders against the provisions of this act, and all other acts of the Legislature of the State, for the benefit of said company, and also such rules and regulations as may be adopted by the Board of Directors of said company.

Sec. 5. Said Louisville Water Company shall have power to borrow money not to exceed at any one time, in the aggregate, the sum of one hundred and twenty-five thousand dollars, as the necessities or interests of the company may require, and the amount so borrowed shall be paid out of the surplus earnings of the company.

Sec. 6. The taxes paid by said Louisville Water Company for State and city purposes shall be in lieu of all other taxes of whatsoever kind or character, county or special.

Sec. 7. This act shall take effect from and after its passage.

Approved March 27, 1880.

CHAPTER 1349

AN ACT to amend the Charter of the Louisville Water Company

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That it shall be the duty of the Louisville Water Company to furnish water to the public fire cisterns and public fire plugs, or hydrants of the City of Louisville, for fire protection, free of charge.

Sec. 2. The Sinking Fund of the City of Louisville being the owner of the stock of the Louisville Water Company, and said Water Company, by virtue thereof, is the property of the City of Louisville, therefore the Louisville Water Company is hereby exempted from the payment of taxes of all kinds, of whatever character, State, municipal, and special.

Sec. 3. This act shall take effect from and after its passage.

Approved April 22, 1882.

CHAPTER 1668

AN ACT to amend the charter of the Louisville Water Company

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That for the purpose of repairing the losses sustained by the tornado of March 27, 1890, and for laying an additional water main from Crescent Hill Reser-

voir into the City of Louisville, not exceeding forty-eight inches in diameter, and for enlargement of mains in the City of Louisville, the Louisville Water Company shall have the right, in addition to the sum now authorized, to borrow from time to time, for the objects above set forth only, or so much thereof as may be needed from time to time, a sum of money not to exceed five hundred thousand dollars, which sum, or any less amounts thereof, said company may borrow, and carry by renewals, at a rate of interest not exceeding six per cent per annum, until such time as the net earnings or revenues of the company will pay off and discharge the same. Or said company may issue bonds, secured by second mortgage on the rights, privileges, franchises, and property of the company, in denominations of one thousand dollars each, having not longer than twenty years to run, bearing interest at a rate not exceeding six per cent per annum, with semi-annual interest coupons attached, in the sum not exceeding five hundred thousand dollars, which may be disposed of at the highest obtainable price, not below par, from time to time, as the same may be necessary to carry out the objects and purposes of this act, and the proceeds thereof used as herein authorized.

Sec. 2. This act shall take effect from and after its passage.

Became a law May 9, 1890, without the approval of the Governor, who did not sign or return to the House in which it originated within the ten days prescribed by the Constitution.

BY-LAWS AND RULES
OF
THE BOARD OF WATER WORKS

The following By-Laws and Rules adopted by the Board of Water Works for the government of said Board.

Meetings

1. The annual meeting of the Board shall be held at its office on the first Tuesday in April in each year. The regular meetings shall be held on Tuesday of each week, at eleven o'clock, a. m. Called meetings shall be held when deemed necessary by the President, or at the written request of two members of the Board. Three members of the Board shall constitute a quorum, and no business shall be transacted unless a quorum is present.

Election of Officers and Employees

2. At the annual meeting the Board shall elect one of its members President, and another Vice-President, and shall also elect a Chief Engineer and Superintendent, Treasurer, Secretary, Chief Assessor and Assistant Secretary, and such other officers or employees as may by said Board be deemed necessary, and shall fix the compensation of all officers and employees. The positions of Chief Engineer and Superintendent may be held by the same person, and the positions of Chief Assessor and Assistant Secretary may be held by the same person.

Qualifications of Officers

3. Before entering upon the discharge of the duties of their office, the President, Vice-President, Chief Engineer and Superintendent, Treasurer, Secretary, Chief Assessor and Assistant Secretary, and such other officers or employees as may be designated by the Board, shall make oath before some person authorized to administer oaths that they will honestly, faithfully and impartially, and to the best of their ability discharge all of the duties

pertaining to their respective offices and will, as far as is in their power, enforce the rules, regulations and orders of the Board.

Bonding of Officers and Employees

4. The President, Chief Engineer and Superintendent, Treasurer, Secretary, Chief Assessor and Assistant Secretary, and such other officers or employees as may be designated by the Board shall before entering upon the duties of their office give bonds, with surety to be approved by the Board, and in such sum as may be fixed, conditioned for the faithful discharge of all the duties pertaining to their respective offices or employments.

Term of Office

5. The President, Vice-President, Secretary, Treasurer and Chief Engineer shall hold their offices for one year, or until their successors have been elected and qualified, but may for good cause shown be removed by the Board at any time. All other officers or employees shall hold their respective offices or employments for such time as may be fixed by the Board and subject to the pleasure of the Board.

Duties of the President

6. The President shall in addition to the duties pertaining to his office exercise all the rights and privileges which belong to a member of the Board, and he shall be ex-officio a member of all committees. He shall preside at all meetings and shall have the custody of the seal of the Company and shall attend generally to the executive business of the Company, under the direction of the Board. He shall superintend the official conduct and duties of all officers or employees of the Board and exercise general supervision over all its affairs. He shall sign all bonds, checks, notes, certificates or other official papers issued by the Company, and execute all contracts and see that the same are executed in legal form, and shall cause the seal to be affixed to all such instruments as may be necessary. In the absence of the President, or when he shall for any reason be disqualified or fail to act, the duties pertaining to the office shall be discharged by the Vice-President.

Duties of the Chief Engineer and Superintendent

7. The Chief Engineer and Superintendent shall be the chief executive officer under the President. He shall exercise general supervision over all departments and shall confer and advise with the heads of all departments relative to any or all matters pertaining to the business of the Company. He shall have direct charge and control of the mechanical construction and engineering works of the Company and all other work affecting the physical development and operation of the water-works. He shall prepare all necessary estimates, plans, designs and contracts for all improvements and extensions; certify to all accounts or bills for material purchased or labor performed under his direction; arrange all contracts for labor to be performed or material to be purchased, and perform such other duties pertaining to his office as may be directed by the President or the Board.

He shall be prepared to attend all meetings of the Board and to furnish such information relative to the operations of the waterworks as may be called for at such meetings.

Duties of the Secretary

8. The Secretary and Assistant Secretary shall be the custodians of all the records of the Board, and such other records as pertain to this department. The Secretary shall sign all bonds and official documents of the Board as required under the law, and shall perform such other duties as may be designated by the President or the Board.

The Secretary or Assistant Secretary shall attend all meetings of the Board and keep a correct record of its proceedings, and shall cause notice to be given to the members of the Board of all stated and special meetings.

The Secretary shall have charge of the mail received and upon its arrival shall immediately have same opened, and all checks for the payment of water bills of the Company delivered to the Treasurer at once, and shall distribute the other mail to the heads of the various departments.

Duties of the Treasurer

9. The Treasurer shall keep a regular Cash Book containing the receipts and disbursements of the Company. He shall collect and receive all monies of the Company and as soon as collected shall deposit same in such bank, or banks, as the Board may from time to time designate. The monies thus deposited shall only be paid out by order of the Board, upon the check of the President, countersigned by the Treasurer. He shall have the custody of all the records or papers as pertain to his department.

The books of the Treasurer shall at all times be open to the inspection of the President or any member of the Board, and shall be so kept as to give and contain a full and complete account of the business of the Company, and shall be kept in accordance with such system or form as may be required by the President or Board.

The Treasurer shall make out and submit to the Board at each of its regular meetings a full statement, which statement shall exhibit the Company's financial condition under such heads as may be designated by the President or Board.

The Treasurer shall make out all statements required to be made by law, and shall present same to the Board whenever required, and shall perform such other duties as may from time to time be designated by the President or Board.

Duties of Assistant Treasurer

10. The Assistant Treasurer shall have full power to perform the duties of the Treasurer during the absence or disqualification of the Treasurer, and shall perform such other duties as may be assigned to him or required of him by the President or the Board.

Duties of the Auditor

11. The Auditor shall at all times have access to all the books, papers or records of the Company, and shall have the custody of all contracts or agreements made by the Board.

He shall audit and certify to all claims against the Company; shall keep the general books of the Company, and shall perform such other duties as may be designated by the President or the Board.

The Auditor shall receive and keep a copy of all the reports made by the heads of the various departments, and shall be given such other information as may be required for the conduct of his office.

Duties of the Chief Assessor and Assistant Secretary

12. The Chief Assessor shall have full charge of the force of employees necessary to perform all of the duties pertaining to his department, and shall exercise direct control over the management of all matters pertaining to inspection; assessments of rates; reading of meters; enforcement of the tariff rates and of the rules and regulations governing the use of water, and over all other matters relating to the proper supervision and management of the revenue-producing branch of the service. He shall keep a record of all revenue from water rents, and shall make out all assessment and meter bills. He shall also be custodian of the office building of the Company.

The Chief Assessor shall provide for reading all meters monthly, or oftener if found necessary, and shall keep an accurate record of all meter readings, and shall report to the Chief Engineer all meters found defective or out of order.

Duties of the Assistant Superintendent

13. The Assistant Superintendent shall have charge of all work pertaining to the construction, maintenance and repairs of the Pipe System.

He shall be directly under the Chief Engineer and Superintendent, and shall consult freely with him and report fully on all questions pertaining to the work under this department, and shall promptly carry out all orders issued to him by the Chief Engineer and Superintendent.

The Assistant Superintendent shall keep in his office such books as will show in detail the cost of all work done; the exact location of all mains, pipes, gates and other con-

nections laid, and a complete record of all matters pertaining to the work of this department. He shall perform such other duties as the President or the Board may define.

Duties of the Buyer

14. The Buyer shall purchase, on requisitions from the heads of the departments, approved by the President, or the Chief Engineer and Superintendent, all material and supplies required by the various departments, provided the amount of any purchase does not exceed two hundred dollars.

Any purchase amounting to over two hundred dollars must be approved by the President or the Board, or the Chief Engineer and Superintendent.

In addition to the duties of the Buyer he shall perform such duties in the Treasurer's Office as may be assigned to him and perform such other duties as may be required of him by the President or the Board.

General Duties of Officers and Employees

15. All of the other officers or employees of the Board shall discharge such duties and perform such services as may be designated by the President or Board, and shall make such reports and keep such accounts or books as may be designated by the President or Board.

Compensation of Officers and Employees

16. The salaries or wages of all officers or employees shall be fixed by the Board and paid at such times as may be determined, but the salary of no officer or employee shall exceed the sum of \$5,000 per annum.

Office Hours

17. The offices shall be open for the transaction of business with the public every day except Saturdays, Sundays, and legal holidays, from nine a. m., until four p. m., Saturdays from nine a. m., until one p. m. The working hours of all officers and employees shall be fixed by the President or Board.

Order of Business

18. At all meetings of the Board the order of business shall be as follows:

1. Board called to order by the President.
2. Reading of minutes of preceding meeting.
3. Submission of statement of Water Rents collected.
4. Auditing accounts of Treasurer, and report of Auditing Committee thereon.
5. Submission of Treasurer's Cash Statement.
6. Report of Committees on Claims and Bills.
7. Report of Officers.
8. Report of Committees.
9. Communications.
10. Unfinished Business.
11. New Business.

Amending By-Laws and Rules

19. These By-Laws and Rules may be amended or repealed at any regular meeting of the Board by a vote of a majority of all the members.

CHARLES F. GRAINGER,
President.

Attest:

J. BAXTER KREMER,
Assistant Secretary.

Approved:

A. J. CARROLL,
Attorney.

Original Adoption:

February 9, 1911.

Amended:

April 8, 1913

May 4, 1915

W. O. HEAD,
President.

RULES AND REGULATIONS
GOVERNING THE
INTRODUCTION, SUPPLY AND CONSUMPTION
OF WATER
FROM
THE LOUISVILLE WATER COMPANY

The following rules and regulations governing the introduction, distribution and consumption of water from the Louisville Water Company, were adopted at a regular meeting, by the Board of Water Works of the City of Louisville, Ky., on February 6, 1917.

1. Application For Service Attachments

All applications for service attachments to the distributing pipes, for the introduction and use of water, must always be made by the owner of the premises into which the water is proposed to be introduced or by his duly authorized agent, subject to the rules now in force, or such as may be adopted hereafter. The applicant must state fully and truly all the purposes for which water is required, and frankly, without concealment, answer all question asked by the Water Company's authorized agents relative to its consumption, and sign, on the Water Company's books, an application setting forth the purposes for which water is desired. Upon complying with these conditions, the Superintendent or Chief Assessor of the Water Company will issue a written permit, granting the applicant the privilege of a service attachment and the use of water in the manner and for the consideration as therein and hereinafter stipulated. The applicant will furnish, lay and keep in repair, free of cost to Water Company, all service pipes, within the property line, necessary to supply the premises with water.

The application for service connection shall be made upon the following form:

APPLICATION FOR SERVICE CONNECTION

House No. Attachment No. 191...
..... hereby make application for a water supply
service-pipe to property on side of
Street, between and
Streets, and agree to comply with all the rules and regulations of
the Louisville Water Company now or hereafter in force.

The following fixtures will be installed within the premises and
attached to the water supply:

Rooms bath toilet sink
..... wash stand wash trays sprin-
kling feet, hot and cold

Character of Building

For and in consideration of the installing of the service-pipe, from
the main to the property line, by and at the expense of the Louis-
ville Water Company hereby agree to make attachment
to, and commence using water through said service connection
within one year from date of this application, or otherwise to reim-
burse the Louisville Water Company in full for the expense of in-
stalling said service.

.....
.....

The application for a supply of water shall be made
upon the following form:

APPLICATION FOR WATER

To the Louisville Water Co.

Incorporated.

Gentlemen:

I desire a supply of water from the Louisville Water Co. for
.....
uses, in my premises situated on the side of
..... Street between
and Streets, and agree to comply with
the Water Company's rules now in force, or hereafter to be made.
The water to be furnished through a inch ferrule, inserted
in the Street distributing pipe. If
a service of the named character is inserted and extended to my
premises, I will attach fixtures, use water, and pay for the same at
the established rates.

From and after the laying of the service-pipe, it shall be owned exclusively, and be under the sole control and management of the

LOUISVILLE WATER CO.

Incorporated.

Louisville, Ky.....

2. Payment for Service Attachments

Fire protection services, elevator services, occasional or temporary uses of water, and extraordinary services, within the city limits shall be paid for by the consumer by making a deposit of the estimated cost of the work in advance. The receipt for money so deposited shall be given by the Water Company on the following form:

Number.....

OFFICE OF
LOUISVILLE WATER COMPANY
INCORPORATED

No. 435 South Third Street between Green and Walnut Streets

Louisville, Ky.,.....191...

Received of.....
.....dollars

being a deposit to cover expense of putting in Service Attachment No.

.....located at.....

If this deposit is in excess of the actual cost of putting in the service attachment the difference will be refunded; if the deposit is not sufficient, the additional amount shall be paid by the consumer before water is turned on.

LOUISVILLE WATER COMPANY,

By.....
Treasurer.

No service attachments for water will be installed free of cost outside the corporate limits of the City of Louisville, Ky.

Application for water outside the city limits and the receipt for money deposited for the cost of services,

shall be made on the above forms, subject to the rules printed thereon.

3. Size of Attachments

All attachments for ordinary service will be made by the Water Company by means of brass ferrules of five-eighths ($\frac{5}{8}$), three-quarters ($\frac{3}{4}$) or one (1) inch diameter of water way. In order to provide an ample supply with a minimum tax upon the capacity of the Water Company's system of water supply, permits for attachments of the following sizes to supply water for domestic and commercial purposes will be issued as follows: towit:

For supplying dwellings of not more than eight rooms, one five-eighths ($\frac{5}{8}$) inch ferrule with one five-eighths ($\frac{5}{8}$) inch pipe.

For supplying dwellings of more than eight and not over twelve rooms, one three-quarter ($\frac{3}{4}$) inch ferrule with one three-quarter ($\frac{3}{4}$) inch pipe.

For supplying dwellings of more than twelve rooms, such sized ferrule and pipe as the Water Company may deem sufficient.

For supplying bakeries, barber-shops, livery stables, public baths, restaurants, saloons, small manufactories, small motors, and miscellaneous uses, one ferrule and pipe from five-eighths ($\frac{5}{8}$) inch diameter up to as large as the requirements of the business may, in the judgment of the Water Company demand.

For supplying hotels, hospitals, railroad stations, standpipes, water cranes, and manufactories requiring large volumes of water, the character and size of the attachment shall be determined by the Water Company according to the quantity of water required in a specified period of time.

4. Size and Number of Service-pipes and Stopcocks

All service-pipes may, in the judgment of the Water Company, be one-eighth ($\frac{1}{8}$) of an inch larger in diameter than the ferrules through which they are supplied.

All stopcocks in the line of service-pipes or branches under ground must have circular waterways of the same diameter as the pipes in which they are placed.

In supplying water to tenement houses, block buildings, apartment houses and buildings or premises constructed and arranged in a similar manner, and occupied by a number of tenants, one service-pipe only will be used for each building, and the owner of such building or premises, or his authorized agent will be responsible for the payment for water used. Meters will be attached to such services at the option of the Water Company.

Separate service-pipes for supplying different tenants in any building or unusual combination of buildings, or for those occupying the different floors thereof, will not be installed.

5. Character of Pipe and Standard Weight

In all cases, the service-pipe between the distributing pipe in the street and the street limits will be lead pipe, unless above one-inch inside diameter, in which cases cast-iron or galvanized-iron pipe may be used. All lead pipe so used will be of the weight known as "extra strong." Galvanized-iron pipe will be of the weight known as "standard." Sizes and weight will be in accordance with the following scale:

Lead Pipe,	$\frac{5}{8}$ inch diameter.....	3 lbs. 0 oz. per lineal ft.
Lead Pipe,	$\frac{3}{4}$ inch diameter.....	3 lbs. 10 oz. per lineal ft.
Lead Pipe,	1 inch diameter.....	4 lbs. 12 oz. per lineal ft.
Galvanized Pipe,	$1\frac{1}{2}$ inch diameter.....	2 lbs. 12 oz. per lineal ft.
Galvanized Pipe,	2 inch diameter.....	3 lbs. 11 oz. per lineal ft.

All cast-iron pipe must be subjected to a hydrostatic pressure of 300 pounds per square inch before being laid.

6. Depth of Service-Pipe

Within the limits of the streets, service-pipes will in no case be laid at a less depth than three and one-half ($3\frac{1}{2}$) feet under the finished grade of the street or sidewalk.

7. Stopcocks and Their Location

There will be a brass stopcock in each service attachment, under the exclusive control of the Water Company. All stopcocks will be placed in the pipe in the sidewalk about one (1) foot from the curb line. Each stopcock will be provided with a cast-iron box or tube, sufficiently large for a key to have ready access, to turn on and off the water. The top of each box or tube will be placed on a level with the grade of the sidewalk, and have an iron cover, cap or plug, suitably attached, with the word "Water" and the number (in Arabic Numerals) of the service attachment cast upon it.

8. Inserting Ferrules and Laying Service-Pipe

In removing macadam, block stone, bowlder, granite, brick, asphalt, wood block, and sidewalk paving, and in opening trenches for the purpose of inserting ferrules, laying service-pipe, making repairs and extensions, the paving material, or whatever road metal or street or sidewalk structure may have been penetrated, must be removed and replaced in a thoroughly workmanlike manner. The excavated material shall be deposited in such manner on the streets, alleys or sidewalks as to obstruct them as little as possible, and admit of its being replaced in precisely the same condition as it was found, leaving the street, alley or sidewalk in perfect repair.

In no case shall service-pipes be laid in the same trench as the house sewer pipe and connections. A trench separate and distinct from the sewer shall be excavated for the service-pipe.

9. Water Fixtures on the Premises

The fixtures on the premises supplied with water, the faucets, wash-basins, sinks, baths, water-closets, urinals, fountains, hose attachments, tanks, etc., may be such as will best suit the convenience of the consumer, excepting always those which, in the opinion of the Water Company are so constructed as to unnecessarily waste

water. The use of such fixtures is strictly prohibited by the Water Company.

10. Hose Attachments

Hose attachments connected with service-pipes for sprinkling streets and yards, and for washing sidewalks, walks, steps, windows, fronts, etc., shall be placed in the yard, wherever convenience and yard room will permit. No hose attachments are allowed upon the sidewalks or within the limits of the streets.

No permits will be granted for hose attachments to be used for street sprinkling alone, and only in connection with the ordinary supplies for domestic and manufacturing purposes will hand hose street sprinkling be permitted. All premises having hose attachments for street sprinkling only will be assessed at the established rates for all purposes for which water can be made available on the premises from the street sprinkler or hose attachment.

The consumer shall have no right to sprinkle when sprinkling privileges have not been paid for. When a hose is found tied, wired or fastened in any manner whatsoever to a fixture, which has no screw threads or permanent hose connection, then the consumer will be charged for sprinkling the same as though a permanent hose attachment were on their premises.

When a device made for attaching a hose to plain faucets or hydrants and known as a "Hose Thief," or when hose attachments are found on any premises and not paid for, a sprinkling charge will be assessed for the full season.

The use of hose attachments for sprinkling purposes is restricted to the season between the first day of April and the first day of October, but such use is prohibited between the hours of 10 a. m. and 5 p. m. in each day thereof.

11. Meters

Water Meters will be attached to service-pipes or water supplies when in the opinion of the Board of Water Works, it is deemed desirable.

Ample and suitable space free from exposure to frost, shall be furnished the Water Company by the owner of the premises wherein to set, read and repair the meter. This space at all times shall be accessible to the Water Company's employees, and access to which the water consumer or owner of the premises shall keep unobstructed.

In furnishing water through meters, and charging for said water in quantities as indicated by them, it is not claimed that the indicated quantities thus charged for are absolutely correct, but they approach, simply, the closest approximation to absolute accuracy, as close as any commercial method of ascertaining large and variable volumes of merchantable commodities, close enough for legitimate business, and much nearer accuracy than by calculation from any available data.

When a meter is found to be out of order or broken and does not register the amount of water passing through it, then the Water Company reserves the right to charge the consumer for an amount of water based on the average consumption, through the same meter, as shown by previous bills rendered.

All water supplied to any premises where a meter is installed must pass through the meter. No by-pass or connection between the meter and the distribution pipes shall be made or maintained.

The base or minimum charge for supplying water through any meter will be at the rate of eight cents (8) per day for any calendar month, whether the equivalent amount of water has passed through the meter or not.

All meter bills are due and become payable on the first day of each month.

12. Branch Service

Applicants desiring to supply more than one house from an attachment will be permitted to have a ferrule of larger diameter, so as to equalize the water supply as nearly as possible; with one principal stopcock on the sidewalk which shall control the whole supply.

In premises thus supplied with water, the occupants are jointly and severally liable for the payment of the water rent. The failure on the part of the occupants or any of them to comply with the rules of the Water Company may cause the water to be shut off by the Company at the principal stopcock discontinuing the entire supply until the rules are complied with.

13. Hydraulic Elevators and Power Supplies

Attachments and pipes for supplying elevators or hydraulic motors with water will be installed, at the consumers expense of such dimensions as may be required, not to exceed six (6) inches diameter.

The Water Company does not, however, recommend the use of water for elevator and power purposes, for the reason that the available head or pressure from the distributing pipes is variable.

All risks attending the introduction of large water supplies into cellars, basements or premises must be taken by the property owners, tenants, applicants, or the users of the above-named apparatus.

All such supplies are to be used for hoisting or power purposes only, and no water from them will be permitted to be used for any other purpose.

Each elevator must be fitted at the cost of the owner, with a counter or recording device for indicating the quantity of water used. The counters must be of such design and construction as will be approved by the Water Company. Meters will be put on such elevators or power services as the Board of Water Works may elect, at the consumer's expense.

The counters shall be kept in constant repair and in efficient working order by the owners or the parties using the elevators. If a counter gets out of repair or fails from any cause to register the volume of water used, or the lineal feet of piston travel of the elevators, during any interval of time, then the Water Company will estimate the volume of water used during such time as the counter was inoperative, and render a bill accord-

ingly. Failure to repair a counter upon notice will be sufficient cause to install a meter at the expense of the consumer.

The pipes, valves, piston and plunger packing must be kept in perfect repair by the users of water for power purposes, so as not to waste water.

Each service-pipe supplying elevators or hydraulic power must be provided with a reliable stopcock or gate-valve by the property owner at the property line. This valve is for the purpose of effectually controlling the water in case of accident to pipes, elevators or motors within the property.

If the cylinder pulleys, etc. of any elevator are closeted or boxed up to avoid unsightliness, or to guard against accident, the closets or boxes must be fitted with hinged or sliding doors, to enable the reading of counters and inspection of leaks, without danger or risks to employees of the Water Company.

14. Fire Protection, Standpipes and Automatic Sprinklers

The supply-pipe for these purposes will be installed from one (1) to six (6) inches diameter, or larger, as the Board of Water Works may determine.

Persons or applicants desiring such service will be granted them under a covenant with the Water Company, binding themselves by a penal sum of money, of an amount the Company may require, not to use the water from such attachment for any purpose except for preventing or extinguishing fire.

The attachment to the distributing main in the street with the service-pipe leading therefrom to the house or curb line shall be laid and controlled by the Water Company at the property owners' expense.

The party putting up a standpipe or fire protection system shall so construct them as to conveniently admit of having attached thereto by the Water Company, a control valve which will be under the exclusive management of the Water Company. The party owning or

using a standpipe or fire protection system shall notify the Water Company each time the valve is to be closed and opened for testing their apparatus, and the turning of the valve will be done by the Water Company free of charge.

The charge for all fire protection services shall be made in accordance with the schedule as set forth in the tariff and payable in semi-annual installments in advance on January 1st, and July 1st, of each year. When the water for a fire protection service is turned on between the above dates the charge will be made for the unexpired time of the semi-annual period, which amount shall be payable in advance.

15. Extensions and Alterations

For any extension or alteration of the water fixtures of any consumer, written permits from the Water Company must invariably be obtained by the plumber engaged to do the work before any such alterations or extensions can be made.

Any consumer desiring an extension for the purpose of supplying the neighboring premises with water will be granted permission to do so, on condition that he will be responsible for the payment of the water rent for all premises so supplied as long as the extensions are available for the supply of water.

16. Extra Supplies

Applicants desiring attachments of larger diameter than prescribed by the rules of the Water Company, for the purpose of controlling a large quantity of water in a short space of time, thereby to enjoy or possess water privileges not granted to the majority of consumers, will only be granted permits for such attachments on condition that the consumer pay the additional charge adopted by the Water Company for such services.

17. Location of Hydrants and Fixtures

Hydrants, hose attachments, goosenecks, faucets, or any other device which the consumer may adopt for

obtaining water from the service-pipes, shall not be located in such a manner as to afford parties occupying neighboring premises or the public, ready access thereto, unless all parties having access to such devices for drawing water have their premises assessed, and pay for supplying the same with water.

18. Carts, Wagons and Cars for Sprinkling Streets

Attachments to supply street sprinkling carts, wagons or cars will be made by the Water Company in such number, capacity and localities as will, in the judgment of the Board of Water Works best accommodate the public.

All persons or firms desiring to sprinkle streets from carts, wagons or cars supplied with water from the Water Company must make application in writing to the Board of Water Works. The application shall clearly state the locality of the street or streets, the extent of sprinkling to be done thereon and names of the applicant's bondsman.

Upon the execution of a satisfactory bond with approved security in such a sum as the Board of Water Works may require, guaranteeing that water from licensed carts or cars will not be used for any other purpose than sprinkling; a license will be issued for one sprinkling season only by the Water Company for each and every cart, wagon or car, specifying thereon the street or streets and the extent of same, which shall be sprinkled, subject to and in compliance with the ordinances of the city in relation thereto. Each licensed cart, wagon or car shall have painted on it in conspicuous letters and figures the name of the owner together with the word "Licensed" and the license number in Arabic Numerals. Both letters and figures shall be sufficiently large to be legible at a distance of sixty feet.

The streets and such squares thereof as the residents may desire sprinkled will be assigned to such persons or firms from the number of applicants, as the Board of Water Works may determine.

The sprinkling season is estimated to last six months of the year, viz: April, May, June, July, August, and September.

Persons or firms licensed by the Board of Water Works to sprinkle streets will be held strictly responsible for the conduct of their drivers in all things relating to the use and waste of water.

They are not permitted to haul water taken from the Water Company's pipes anywhere, or for any purpose except for sprinkling upon such squares and streets for which they have obtained license, and must take the water only from such plugs, openings or hydrants, as the Board of Water Works designates, unless by special permit granted by the said Board.

They are not permitted to use water in wasteful quantities, but only sufficient to lay the dust, without making muddy streets.

The height of spray tubes above the street surface and the size of the perforations in the spray tubes attached to the casks or vessels containing the water, will be regulated by the Board of Water Works.

The water supply for street sprinkling shall be by meter measurement, and the rate charged shall be fixed by the Board of Water Works from time to time.

Any party obtaining license and who or whose employees violate any of these rules, is subject to such fines as the Water Company may impose as well as forfeiture of his license.

When there is more than one applicant for license for sprinkling the streets, during any sprinkling season, upon any particular street or part thereof covered by the application, the license will be determined by the Board of Water Works. Any party, however, obtaining license for a specified distance upon any street or streets of the city, and fails or refuses to sprinkle any part of said street or streets covered by the license, without good and sufficient reason in the judgment of the Board of Water Works, the license therefore will be cancelled and given to others, as the said Board may determine.

19. Fountains

The consumption of water for fountain both indoors and outdoors shall be by meter measurement.

20. Boilers

Steam boilers shall not take a supply of water directly from the service-pipe and depend upon the hydraulic or hydrostatic pressure in the water pipes to supply them under working pressure. Boiler feed pumps, injectors, inspirators, etc., shall not be connected directly with the service-pipe, as such methods are faulty and dangerous, but shall have an intervening vessel into which to receive the water, and from which to supply the boilers.

House boilers for domestic use must in all cases, be provided with vacuum valves, to prevent collapsing when the water is shut off from the distributing pipes.

The Water Company, will in no case, be responsible for accidents or damage resulting from the imperfect action of any such valves, from insecure boilers, or from variations in the water pressure, which may cause fire-backs of cooking ranges or stoves to be alternately filled with water and partly superheated steam.

21. Plumbers Permits

No person or persons shall lay any service-pipe or do any kind of plumbing work connected with the introduction and supply of water from the Water Company's system of pipes, unless he or they have license, and first obtain written permits from the Board of Water Works for all separate jobs of plumbing work which he or they may wish to perform.

Parties whose business avocations makes it convenient for them to do their own plumbing work, can do so by first obtaining from the Water Company, the same as licensed plumber, a special permit for each and every separate job they may wish to perform.

Parties contracting to install hydraulic elevators or fire protection systems must obtain permits as licensed plumbers do, before they can attach their piping to the Water Company's service-pipes.

22. Plumbers License

Any plumber wishing to do business in connection with the Louisville Water Company shall before receiving license to do so, file in the office of the said Company, his petition in writing, giving his name or the name of the firm, place of business and requesting to become a licensed plumber in connection with the Water Company's system of pipes.

For public safety the petition must give satisfactory evidence that the applicant is of good reputation in the trade and is skilled in water supply plumbing or employs skilled plumbers, and that he or they are willing to be governed in all respects, by the by-laws, rules and regulations which are or may be adopted by the Board of Water Works. Every plumber shall not only be subject and conform to all the rules and regulations and penalties which now exist, or may hereafter be passed by the said Board, but shall also enter into a covenant with one or more sureties, to be approved by the said Board of Water Works or the President of the Company to indemnify and save harmless the Louisville Water Company from all accidents, damages and losses which said Company may sustain by reason of his failing to comply with the rules and regulations as now or may hereafter be established by the Board of Water Works. All licenses granted expire December 31st, annually and all plumbers desiring to continue their license must make their applications therefor annually in December, prior to January 1st, of each year. No charge will be made by the Water Company for granting license or taking bond.

23. Plumbers Returns

Plumbers shall make full and complete returns of the uses for and to which water is applied under any permit granted; together with the numbers and kind of fixtures connected or disconnected thereunder. The returns must be made by the plumber within twenty-four hours after the completion of the work; otherwise the water will not be turned on any premises until after

returns have been made, and the work reported to be in accordance with the rules and regulations herein prescribed.

In all cases, plumbers must leave the water turned off, or on, as they find it, in any service attachment upon or to which they attach, alter, repair or remove fixtures, unless otherwise directed by the Water Company.

Plumbers disconnecting fixtures for water consumers in order to reduce their water assessment must cut the waste pipes to all fixtures; otherwise the Water Company will assess them as though the water supply were attached and in actual use.

24. Reissue of Permits

No plumber or other person shall make an attachment to any existing pipe or water fixtures in the premises from which the water supply has been disconnected, without the party desiring such work having first made application and obtained a reissue of the permit.

No plumber or other person shall make any alteration in a pipe or water fixture attached to the Water Company's distributing pipes, to conduct water into adjoining premises or into stables, baths, water-closets, wash-basins, cisterns, fountains, or for any other purpose whatever, without having first made application and obtained a written permit from the Water Company for each and every separate job of such modifications. In all cases where plumbers find the water off, they must leave it off, for only in such cases where they find it on, they must leave it on, and in making the returns must state whether the water was on or off.

25. Assessments and Payments of Water Bills

After the plumbing work is finished, returns made and found to agree with the survey of the Assessor, the assessments shall be made according to the established rates in each case, for a period of one year, and payments made in advance for the time intervening between the date of turning on the water and the date of the next prepayment of water rents.

Assessment of premises will only be made at such times as is convenient to the Water Company, and the Water Company does not guarantee an assessment prior to the issuing of water bills semi-annually.

The assessment of any new fixture or device for the use of water not enumerated in the schedule of water rents as set forth in the Tariff, will be fixed by the Chief Engineer or Chief Assessor of the Water Company.

Parties who use water during the summer months and not during the winter, will be charged full rates for sprinkling privileges. The sprinkling rates are for the season and not for the year.

Water consumers whose supply is measured by a meter, shall pay their bills monthly, between the 1st and 6th of each month. Also all water consumers who operate hydraulic elevators, either with counters or meters shall pay their bills monthly between the above-named dates. All such consumers may be required, at the option of the company, to make, as security for the payment of the water consumed, a deposit in money of an amount to be fixed by the Board of Water Works. Such deposits shall not be transferable, and shall bear interest at the rate of six per cent per annum for such length of time as they are in advance of water bills due and rendered. When all bills are paid, and the water supply, discontinued, these deposits, with interest will be refunded by the company. No deposit shall bear interest after the date the service is discontinued.

26. Privileges and Restrictions of Water Consumers

Water consumers are not guaranteed a specific quantity of water for any purpose whatever, except when meters are used; but simply an ample quantity for the purpose named in the permit. Any and all other uses of water is in direct violation of the agreement between the Water Company and the consumer at the time of granting the permit, and therefore subject to all reasonable penalties which the Board of Water Works may see fit to impose.

The Water Company does not guarantee an uninterrupted supply of water for any purpose, but a supply as free from interruptions as is practicable with the current repairs, alterations, additions and accidents attending a public water supply.

Water consumers, tenants, or owners of premises into which service-pipes have been introduced or laid, are forbidden to use the Water Company's stopcocks on the sidewalk. There shall be a stopcock placed by and at the expense of the property owner, tenant or water consumer, in every service attachment and shall be located at the first suitable point beyond the street limits. This stopcock is to enable the owner, tenant or consumer to turn off the water in case of accident to the pipes or water fixtures on the premises.

The Water Company will not be responsible or liable for accidents or damages to property, buildings or contents, arising from leaking or bursted pipes and fixtures, or from owners, tenants, or occupants failing to control the flow of water in the absence of or with such stopcocks, or through their failure in trying to use them.

The owner, occupant, tenant and water consumer jointly and severally, assume the risk of damages by water from water pipes and fixtures inside of their premises. Where the space beneath the sidewalk from the curb line to the property line has been appropriated to private use, then the piping, fixtures and water conveyed therein become private property, and in such cases the owner, tenant and consumer become liable for damages by water served through such pipes.

Permits for the use of water from service-pipes and water fixtures already installed, will be granted the applicants upon paying the assessed rates as set forth in the tariff, subject to the rules now in force or that may hereafter be adopted by the company.

Unexpired water rents will be refunded where the water is ordered to be turned off, upon the return of the permits and receipted bills to the company. No money will be refunded to any party unless such return is made,

or until the period for which the water rent was paid has expired.

Persons or water consumers who leave their residences during the summer months and desire to have the water supply uninterrupted for the use of the servants, and for sprinkling lawn, grass, etc., must pay at the regularly established and assessed rates just as though their dwellings were occupied as ordinarily.

No water rents on sprinkling assessments will be refunded at or near the end of the sprinkling season.

No money will be refunded for erroneous collections for a longer time than for the year preceding the year in which the application for correction is made, except by special order from the Board of Water Works.

No unexpired water rent will be refunded, except when the premises have been vacated or the business has been suspended; notice thereof shall have been given the Water Company, the water ordered to be turned off, and the permit returned and cancelled. Water consumers shall not sell water or make any use of it that shall conflict with the Water Company's franchise.

On all service where the supply of water is to be discontinued, it shall be the duty of the consumer to notify the Company at its office in person or by written order, to turn off the water, otherwise the water rent will continue and must be paid until turned off.

27. Filling Cisterns

Parties having cisterns on their premises with no water fixtures installed, may fill them with water from the Water Company's system of supply provided they obtain a permit from the office of the Company and pay for same, upon which no discount will be allowed.

Where cisterns, known as common cisterns, are so situated as to be accessible to yard fixtures of parties occupying neighboring premises who have a supply of water, the premises so situated will be assessed and bills rendered to the owners or occupants of the premises where water fixtures are installed.

28. Builders Permits

Permits to use water for building purposes will be issued to the owner, architect, agent or contractor when the quantity of stonework, brick-work, concrete, plastering, etc. to be done is in accordance with the quantities furnished the Building Inspector of the City of Louisville. A permit will be issued upon payment in advance of the regularly established rates for the use of water for building purposes. Such permits are limited however, in the use of water for the quantity of building material named therein, and subject to inspection and correction by the Water Company's Officers at any time during the progress or at the completion of the building for which such permit may have been issued.

29. Permit For the Use of Water in General

When a bill has been paid by the consumer and receipted by the Water Company, it becomes for the time specified, a permit for the use of water from the fixtures connected to and assessed upon the service-pipe of the attachment number thereon, and in accordance with the rules of the Company. The permit, bill and receipt expire at the time stated on the bill, when the contract for which it has been given ceases. It is granted on condition that the water consumer will familiarize himself with the company's rules and comply therewith.

30. Special Permits

In cases where in the judgment of the Water Company there is sufficient cause, the rules of the Company may be temporarily suspended and a special permit for the use of water issued.

When a bill has been paid by the consumer and receipted by the Water Company, it becomes for the time specified, a permit for the use of water from the fixtures connected to and assessed upon the service-pipe of the attachment number thereon, and in accordance with the rules of the company. The permit, bill and receipt expires at the time stated on the bill, or at any time

prior thereto, at the option of the Water Company, when the contract for which it was given ceases, without refunding any unexpired water rent to the holder thereof. It is granted on condition that the water consumer will familiarize himself with the company's rules and comply therewith.

31. Use of Hand-Hose

The use of hand-hose for sprinkling streets, yards and gardens, washing sidewalks, walks, steps, windows, and fronts is not permitted between the hours of 10 a. m. and 5 p. m. in each day. Before and after the hours named, the use of the hand-hose is permitted, but water is not to be used in needless or wasteful quantities.

The use of hand-hose for washing locomotives, cars, coaches, or vehicles of any description, or for any purpose in which the momentum of the water discharged from the hose-nozzle is alone depended upon for producing the requisite friction to effect washing, is strictly prohibited, unless special permits have been granted, and extra water rents paid for all such wasteful uses of water, unless supplied by meter measurement.

The use of hand-hose in case of fire is at all time permitted, and may be used by anyone gaining access thereto.

The use of hand-hose for washing streets and gutters and thawing ice or snow is prohibited.

The use of hand-hose for sprinkling streets, yards and gardens, washing sidewalks, steps, windows and fronts, without hose-nozzle, or with hose-nozzle larger than one-quarter ($\frac{1}{4}$) of an inch in diameter is prohibited, unless supplied by meter measurement.

Leaky hose attachments, converting hose into jets for amusement by either adults or children allowing the hose to run when not in use, are all strictly prohibited.

Adjusting hose upon temporary, portable, or fixed supports, or devices of any kind so as to sprinkle automatically, or for the purpose of cooling walls, atmosphere, etc., will be regarded as fountains, and be charged in addition to the ordinary rates, such amounts as the Board

of Water Works may deem sufficient for all such extravagant use of water, otherwise the supply will be discontinued, unless supplied by meter measurement.

32. Leaks and Repairs

All owners of premises, tenants or water consumers, entitled to the use of water, shall keep their service-pipes, stopcocks, and other apparatus in good repairs, and shall prevent all unnecessary waste of water.

The Water Company will repair leaks in its own pipes and pipe-joints only.

33. Constant Flow of Water Prohibited

Watering troughs in livery stables, stock-yards, slaughter-houses will not be permitted to receive a constant flow of water. Neither will continuous streams of water be permitted to flow from hydrants, faucets, draws, water-closets, urinals, nor any other apparatus connected with the service-pipe, either for want of proper repair or for protection against frost, or for any other purposes, except where the supply is through a meter. In cases where water is discharged into tanks, and the buildings thence supplied, the tanks must be kept perfectly water tight and the supply pipes to the same provided with ball-cocks, float-valves, or other controlling devices which must always be kept in working order.

34. Penalties for Non-Payment

All assessment bills are due semi-annually, viz: January 1st, and July 1st. Meter and Elevator bills are due on the first day of each month. If any party shall refuse or neglect to pay the water rent within fifteen days after it is due, the water will, at the option of the Water Company, be turned off and not turned on again until all back rents or bills are paid. In the event water is turned off for non-payment, a charge of \$1.00 will be imposed before water is turned on again.

Any consumer or subscriber violating, or permitting violations of the Water Company's rules and regulations

governing the introduction, supply and consumption of water, will be notified thereof in writing, which notification will be left on the premises. If the consumer then fails to comply promptly with the order of the company, the water will be shut off and a fine imposed. In addition to all expenses attending the shutting off, the fine will have to be paid before the water is again turned on, and satisfactory assurance given that future abuses will not occur. In case of persistent violation and disregard of the Water Company's rules, the service attachment or ferrule will be withdrawn from the distributing pipe, and the supply wholly discontinued.

Fines for violations of any of these rules and regulations, will be imposed and collected in sums varying from two to twenty dollars, according to the nature of the violations, as the Board of Water Works may determine.

35. Plumbers Penalties

A plumber violating any of the Water Company's rules and regulations, governing the introduction, supply and consumption of water, or who shall, either voluntarily or at the request of any consumer or subscriber, introduce any pipe, hydrant, bath, water-closet, urinal or any other device or fixture which is prohibited by the Water Company will forfeit his license and it shall not be renewed, nor shall he be allowed to do business either for himself or for other plumbers, in connection with the Water Company, until after the expiration of not less than thirty days, and the payment of such fine as may be imposed by the Board of Water Works.

36. Damage to Main, Distributing and Service-Pipes

In all cases where the Water Company's pipes are broken, cut, injured, or caused to leak in the streets or sidewalks by excavations made, or acts performed by any person or corporation whatsoever, the Superintendent of the Water Company shall render correct bills of actual cost for repairing same, and the Treasurer shall collect

the amount thereof from the person or corporation by whose acts such injury or damage may have been caused.

37. Enforcement of Rules

The rules and regulations shall be strictly and impartially enforced by such Officers or Agents as the Board of Water Works may appoint. Such Officers or Agents shall have unrestricted reasonable access, at proper hours in the day, to all premises supplied with water from the Water Company for making assessments, reassessments, and such other examinations and inspection of fixtures as may, from time to time, be deemed necessary.

Approved, adopted, and ordered to be enforced by the Board of Water Works of the Louisville Water Company, at a regular meeting held at the Company's office, February 6, 1917.

LOUISVILLE WATER COMPANY,

By W. O. Head, *President*,

Jas. B. Wilson, *Chief Engr. and Supt.*

Attested:

J. Baxter Kremer, *Asst. Secy.*

TARIFF OF WATER RENTS

CLASSIFICATION

CLASS I

Flats

All flats in buildings having the necessary separate and distinct fixtures, for each flat, private dwelling rate.

All flats in buildings not having the necessary separate and distinct fixtures and where fixtures are common to more than one family, will be assessed at boarding or tenement house rates.

CLASS II

Dwellings—Private

For 1 room, per annum.....	\$3 00
For 2 rooms, per annum.....	3 60
For 3 rooms, per annum.....	4 20
For 4 rooms, per annum.....	4 80
For 5 rooms, per annum.....	5 40
For 6 rooms, per annum.....	6 00
For 7 rooms, per annum.....	6 60
For 8 rooms, per annum.....	7 20
For 9 rooms, per annum.....	7 80
For 10 rooms, per annum.....	8 40
For 11 rooms, per annum.....	9 00
Thence, each additional room, per annum.....	50

These rates shall apply to all rooms except attic rooms, hall rooms over halls, and rooms in basements, on which the rate of 25 cents each per annum shall be assessed.

Cellars, bath-rooms, and pantries are not to be counted as rooms in making the assessments.

Rooms in outbuildings, rear buildings, or buildings on alleys, when occupied by servants, are to be assessed 25 cents each per annum, and when occupied by tenants, one-half the rates on private dwellings.

The above rates are for the general uses of water in and about the dwellings, while the following rates are for the special uses of water as named:

Automobiles, each per annum.....	\$3 00
Baths, each faucet per annum.....	2 50
Sit baths, each faucet per annum.....	50
Foot baths, each faucet per annum.....	25
Boilers, for steam heating, each per annum.....	3 to 10 00
Buggies, carriages, and vehicles, if washed by hand, each per annum.....	1 25
Buggies, carriages, and vehicles, with hose attachment on premises or available for stable use, each per annum.....	3 00
Bowling alleys, each per annum.....	3 00
Cows or head of cattle, each per annum.....	1 00
Greenhouses, each per annum.....	3 to 5 00
Horses or mules, each per annum.....	1 25
Hose attachments on premises, 25 feet or less front, per annum..	5 00
For each additional foot front.....	10
Hot water heaters.....	3 00

Corner lots—both fronts are to be charged (if sprinkled) at above rates, by aggregating and estimating both fronts as one equivalent front.

Hose, automatic or rotative, lawn sprinklers, each per annum..	\$1 00
Slop sinks, each faucet per annum.....	1 00
Slop sinks, with tank supply, additional per annum.....	3 00
Sinks, each faucet per annum.....	1 00
Urinals, each per annum.....	1 50
Water closets, with hand valves, each per annum.....	3 00
Water closets, with valve open during entire sitting, each per annum.....	6 00
Wash-hand basins, each faucet per annum.....	50
Wash trays, tubs, or bins, each faucet per annum.....	50

CLASS III

Boarding Houses and Tenement Houses

Boarding and tenement houses will be assessed as follows:

For 1 room, per annum.....	\$4 00
For 2 rooms, per annum.....	5 00
For 3 rooms, per annum.....	6 00
For 4 rooms, per annum.....	7 00
For 5 rooms, per annum.....	8 00
For 6 rooms, per annum.....	9 00
For 7 rooms, per annum.....	10 00
For 8 rooms, per annum.....	11 00
For 9 rooms, per annum.....	12 00

For 10 rooms, per annum.....	\$13 00
For 11 rooms, per annum.....	14 00
Thence, each additional room, per annum	1 00

These rates shall apply to all rooms except the attic rooms, rooms over halls, and rooms in the basements, which shall be assessed at 50 cents each per annum.

Cellars, bath-rooms, and pantries are not to be counted as rooms in making the assessments.

Rooms in rear or outbuildings, when used by servants, are to be assessed 25 cents each per annum, and when occupied by tenants, one-half of boarding or tenement rates.

The above rates for boarding houses shall apply to all private and public houses which furnish accommodations for day or lodging boarders, and they are for the general uses of water in and about the boarding houses, while the following rates are for the special uses of water as named:

Automobiles, each per annum.....	\$3 00
Baths, each faucet per annum.....	2 50
Sit baths, each faucet per annum.....	50
Foot baths, each faucet per annum.....	25
Boilers, for steam heating, each per annum.....	3 to 10 00
Buggies, carriages, and vehicles, if washed by hand, each per annum.....	1 25
Same, with hose attachment on premises or available for stable use, each per annum.....	3 00
Bowling alleys, each per annum.....	3 00
Cows or head of cattle, each per annum.....	1 00
Greenhouses, each per annum.....	3 to 5 00
Horses or mules, each per annum.....	1 25
Hose attachments (same as dwelling-house rates).	
Hose, automatic or rotative, lawn sprinklers, each per annum..	1 00
Hot water heaters.....	3 00
Sinks, each faucet per annum.....	1 00
Slop sinks, each faucet per annum.....	1 00
Slop sinks, with tank supply, additional per annum.....	3 00
Urinals, each per annum.....	4 00
Water closets, with hand valves, each per annum.....	5 00
Water closets, with valves open during entire sitting, each per annum.....	10 00
Wash-hand basins, each faucet per annum.....	1 50
Wash trays, tubs, or bins, each faucet per annum.....	75

CLASS IV

Hotels

From one room to twelve inclusive, the same rates as for boarding houses. Thence for each additional room per annum, \$1.25.

These charges are for the general uses of water in and about the hotels, while the following rates are for the special uses of water as named:

Automobiles, each per annum.....	\$3 00
Baths, each faucet per annum.....	5 00
Sit baths, each faucet per annum.....	1 00
Foot baths, each faucet per annum.....	50
Boilers, for steam heating, each per annum.....	3 to 10 00
Buggies, carriages, and vehicles, if washed by hand, each per annum.....	1 25
Same, with hose attachment on premises or available for stable use, each per annum.....	3 00
Billiard tables, each per annum.....	3 00
Bowling alleys, each per annum.....	3 00
Cows or head of cattle, each per annum.....	1 00
Greenhouses, each per annum.....	3 to 5 00
Horses or mules, each per annum.....	1 25
Hose attachments (same as dwelling-house rates).	
Hose, automatic or rotative, lawn sprinklers, each per annum..	1 00
Sinks, each faucet per annum.....	1 50
Slop sinks, each faucet per annum.....	1 50
Slop sinks, with tank supply, additional per annum.....	5 00
Urinals, each per annum.....	5 00
Water closets, with hand valves, each per annum.....	5 00
Water closets, with valve open during entire sitting, each per annum.....	10 00
Wash-hand basins, each faucet per annum.....	1 50
Wash trays, tubs, or bins, each faucet per annum.....	1 00

CLASS V

Block Buildings

Sleeping-rooms in block buildings, with wash-hand basins, each per annum.....	\$4 00
Sleeping-rooms, without wash-hand basins, each per annum....	3 00
Offices in block buildings, each room with wash-hand basin, per annum.....	5 00
Same, without wash-hand basin, per annum.....	3 00

Stores, factories, and other pursuits carried on in block buildings, the same rates as established for such enterprises when carried on in separate buildings.

All fixtures in block buildings open to general or promiscuous use shall be assessed at public rates.

CLASS VI

Baths

In private dwellings, each faucet per annum.....	\$2 50
In boarding-houses, each faucet per annum.....	2 50
In hotels, each faucet per annum.....	5 00
In hospitals, each faucet per annum.....	2 50
In public bath-houses, each faucet per annum.....	5 00
All public places, each faucet per annum.....	5 00
Shower baths, when not over bath tubs:	
Cold water.....	2 50
Hot and cold water.....	5 00
Shower baths in public places:	
Cold water, per annum.....	5 00
Hot and cold water, per annum.....	10 00

CLASS VII

Building Purposes

Brickwork, for 10,000 or less.....	\$1 00
Brickwork, for each additional thousand over 10,000.....	08
Concrete, per cubic yard.....	04
Stone masonry, for 25 perches, of 25 cubic feet each or less..	1 00
Stone masonry, for each additional perch over 25.....	04
Plastering, for each job requiring 40 bushels of lime or less..	1 50
Plastering, for each additional bushel over 40.....	03½

CLASS VIII

Hose Attachments

Hose attachments on premises, 25 feet or less front, per annum..	\$5 00
For each additional foot front.....	10
Corner lots—both fronts are to be charged (if sprinkled) at above rates by aggregating and estimating both fronts as one equivalent front.	
Hose, automatic or rotative, lawn sprinkler, each per annum..	\$1 00
For sprinkling public or pleasure gardens, per square yard, per annum.....	01½
For the use of hose for all other purposes not herein enumerated, special rates will be fixed by the Water Company.	

Sprinkling Carts and Cars

Rates to be fixed by resolution of Board of Water Works.

CLASS IX

Manufactories

Artificial stone, per annum.....	\$5 to \$10	00
Bakeries, per bbl. of flour.....		01
Belting, per annum.....	10 to	30 00
Bitters, per annum.....	10 to	30 00
Bleacheries, per annum.....	5 to	15 00
Bolt machines, each per annum.....		5 00
Book binderies, each per annum.....	3 to	5 00
Brick yards, each table per season.....		17 50
Candy and soda, each per annum.....	5 to	15 00
Canning fruit, each per annum.....	5 to	10 00
Casing tobacco, each per annum.....	2 to	5 00
Catsup, pickles, etc., each per annum.....	5 to	10 00
Carriages, each per annum.....	10 to	20 00
Children's carriages, each per annum.....	5 to	10 00
Chair, each per annum.....	5 to	10 00
Car trimmings, each per annum.....	5 to	10 00
Coffee roasting and wetting, each per annum.....	5 to	10 00
Coke ovens, each per annum.....		3 50
Cooking licorice and casing tobacco, each per annum...		5 00
Cooking bones—fertilizers, each per annum.....	10 to	25 00
Concrete burial vault boxes.....	5 to	10 00
Coloring hemp—duster factory, each per annum.....	5 to	10 00
Coffee and spice mills, each per annum.....	3 to	5 00
Cooperages, each per annum.....	5 to	10 00
Dissolving or rendering lye, or soap factory, per boiler per annum.....	15 to	20 00
Distilleries, small, each per annum.....	5 to	50 00
Dyers and scourers, each per annum.....	10 to	20 00
Engines, small, each per annum.....	5 to	10 00
Edged tools, each per annum.....	5 to	10 00
Equalizing and compounding liquors, each per annum..	5 to	25 00
Felt roofing, each per annum.....	10 to	20 00
Foundries, each machine moulder, each per annum.....		1 50
Foundries, each plate moulder, each per annum.....		75
Foundries, brass, each per annum.....	3 to	10 00
Foundries, type, each per annum.....	5 to	10 00
Foundries, bell, each per annum.....	7 to	15 00
Forges, blacksmiths', each per annum.....		1 50
Forges, steam hammer, each per annum.....		5 00
Furniture, each per annum.....	5 to	10 00
Gang saws in stone yard, each gang per annum.....	5 to	15 00
Gas apparatus, each per annum.....	3 to	5 00
Grindstones, each per annum.....	5 to	10 00
Hemp dusters, each per annum.....	5 to	10 00
Horse shoe, each per annum.....	10 to	30 00

Horse collar, each per annum.....	\$5 to \$20 00
Hub and spoke, each per annum.....	5 to 10 00
Incrustation fluid, each per annum.....	5 to 10 00
Laundries, each per annum.....	5 to 15 00
Leather soaking tanks for curriers, each per annum.....	10 to 20 00
Leather soaking tanks for shoe factories, each per annum.....	5 to 10 00
Lard oil and soap, each per annum.....	20 to 50 00
Marbleizing works, each per annum.....	5 to 10 00
Mineral water, each per annum.....	5 to 30 00
Paper box, each per annum.....	3 to 8 00
Photographic galleries, each per annum.....	10 to 20 00
Planing mills, each per annum.....	5 to 10 00
Plow, each per annum.....	5 to 10 00
Picture frames, each per annum.....	5 to 10 00
Potteries, each per annum.....	10 to 30 00
Preparing materials for artificial stone, each per annum.....	10 to 30 00
Printing offices each per annum.....	3 to 10 00
Rectifying liquors, each per annum.....	10 to 30 00
Rotary washing machines, each per annum.....	3 to 10 00
Revolving table in stone or marble yard, each per annum.....	10 to 20 00
Rendering tanks in slaughter-houses, each per annum.....	3 to 10 00
Saddle tree, each per annum.....	5 to 20 00
Shoe, each per annum.....	5 to 15 00
Soda, each per annum.....	5 to 15 00
Soap and candle, each per annum.....	10 to 30 00
Small beer, each per annum.....	5 to 10 00
Tanneries, each per annum.....	10 to 30 00
Tempering clay in terra cotta works, each per annum.....	10 to 30 00
Tobacco stemmeries, each per annum.....	5 to 20 00
Tobacco factories, each per annum.....	5 to 20 00
Tobacco casing, each per annum.....	5 to 20 00
Tobacco warehouses, each per annum.....	5 to 20 00
Vanilla extract, each per annum.....	5 to 15 00
Vinegar, each per annum.....	5 to 15 00
Wagon, each per annum.....	5 to 10 00
Wagon grease, each per annum.....	5 to 10 00
Woodenware, each per annum.....	5 to 10 00

The above rates are for the general uses of water in and about the manufactories, including ten hands. For each hand in a manufactory over ten in number, per annum 10 cents.

For all fixtures or special uses of water in and about manufactories, the same rates as elsewhere for similar purposes.

CLASS X

By Meter Measurement

For 533 gallons daily, or less, per day.....	\$0 08
For over 533, up to and including the first 5,000 gallons daily, per 1,000 gallons.....	15
For the second 5,000 gallons daily, per 1,000 gallons.....	14
For the third 5,000 gallons daily, per 1,000 gallons.....	13
For the fourth 5,000 gallons daily, per 1,000 gallons.....	12
For the fifth 5,000 gallons daily, per 1,000 gallons.....	11
For the sixth 5,000 gallons daily, per 1,000 gallons.....	10
For the seventh 5,000 gallons daily, per 1,000 gallons.....	09
For the eighth 5,000 gallons daily, per 1,000 gallons.....	08
For the ninth 5,000 gallons daily, per 1,000 gallons.....	07
For the tenth 5,000 gallons daily, per 1,000 gallons.....	06
For all additional quantities, per 1,000 gallons.....	06

CLASS XI

Quantity Assessments, when Estimated

Daily average of 500 gallons or less, per 1,000 gallons.....	\$0 35
Daily average of 500 to 1,000 gallons, per 1,000 gallons.....	33
Daily average of 1,000 to 2,000 gallons, per 1,000 gallons.....	31
Daily average of 2,000 to 3,000 gallons, per 1,000 gallons.....	29
Daily average of 3,000 to 4,000 gallons, per 1,000 gallons.....	27
Daily average of 4,000 to 5,000 gallons, per 1,000 gallons.....	25
Daily average of 5,000 to 6,000 gallons, per 1,000 gallons.....	23
Daily average of 6,000 to 7,000 gallons, per 1,000 gallons.....	21
Daily average of 7,000 to 8,000 gallons, per 1,000 gallons.....	19
Daily average of 8,000 to 10,000 gallons, per 1,000 gallons.....	17
Daily average over 10,000 gallons, per 1,000 gallons.....	15
For fans, special rate per 1,000 gallons.....	22
For fans, rotary, per month.....	3 00

Water for contractors on emergency cases for building public roads, and are required to haul water, a special rate of 25 cents per load. No discount.

CLASS XII

Stables

Automobiles.....	\$3 00
Livery and sale, for average number of stalls in use, each per annum.....	1 50
Livery and sale, for average number of wheeled vehicles, each per annum.....	1 25
Livery and sale, for average number of wheeled vehicles, with hose attachment on premises, each per annum.....	3 00

Private, for each horse or mule used in buggy, carriage, wagon, or for draft purposes, per annum.....	\$1 25
Private, for each buggy, carriage, or vehicle, if washed by hand, per annum.....	1 25
Private, for each buggy, carriage, or vehicle, with hose attachment on premises, per annum.....	3 00
Private, for each cow or head of cattle, per annum.....	1 00
Stock yards, for average number of horses, mules, and cattle, per head, per annum.....	1 00
Stock yards, for average number of sheep and swine, per head, per annum.....	50

All fixtures in and about stables for other uses shall be assessed at the same rates as elsewhere for similar purposes.

CLASS XIII

Saloons

Drinking, each per annum.....	\$10 to \$45 00
Saloons, with Hydraulic Pumps.....	Meter
Water Troughs.....	Meter
Billiards, each table per annum.....	3 00
Eating, each table per annum.....	1 25
Ice Cream, each table per annum.....	50
Beer, each table per annum.....	50
Ten pin or bowling alleys, each per annum.....	3 00

CLASS XIV

Stores and Shops

Wholesale and retail, per annum.....	\$3 to \$18 00
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Fixtures in stores and shops at public rates.

If dwellings are connected with stores and shops they are to be assessed at dwelling-house rates, that is, such portions as are occupied as dwellings and private or dwelling-house rates on the fixtures in same if they are excluded from general or promiscuous use.

For other purposes in and about stores, the same rates as elsewhere for special uses of water.

CLASS XV

Urinals

In private dwellings, each per annum.....	\$1 50
In boarding and tenement houses, each per annum.....	4 00
In hotels, each per annum.....	5 00
In hospitals and prisons, each per annum.....	4 00

In offices, private, each per annum.....	\$1 50
In offices, public, each per annum.....	5 00
In sleeping rooms, each per annum.....	1 50
In saloons, each per annum.....	5 00
In manufactories, each per annum.....	4 00
In all public places and where generally or promiscuously used, each per annum.....	5 00

These rates apply to urinals with hand or treadle valves, which close automatically when stepping off.

CLASS XVI

Wash-hand Basins

In private dwellings, each faucet per annum.....	\$0 50
In boarding and tenement houses, each faucet per annum.....	1 50
In barber shops, each faucet per annum.....	50
In hotels, each faucet per annum.....	1 50
In all other places, except offices and sleeping rooms, each faucet per annum.....	1 50

CLASS XVII

Water Closets

In private dwellings, each per annum.....	\$3 00
In boarding and tenement houses, each per annum.....	5 00
In hotels, each per annum.....	5 00
In hospitals, each per annum.....	3 00
In offices, private, each per annum.....	3 00
In office, public, each per annum.....	5 00
In sleeping rooms, each per annum.....	3 00
In saloons, each per annum.....	5 00
In manufactories, each per annum.....	5 00
In all public places and where generally or promiscuously used, each per annum.....	5 00

These rates apply to closets with valves to be opened by hand, and which close automatically when removing the hand.

All water closets in which the valves are open during the entire sitting of the occupant are to be assessed double the respective rates above enumerated.

CLASS XVIII

Miscellaneous Uses

Acetylene gas engines, each per annum.....	\$3 00
Aquariums, each per annum.....	3 to 20 00

Aquariums and fountains, each per annum	\$5 to \$30	00
Asylums (dwelling-house rates).		
Banks, each per annum	5 to	15 00
Barber shops, each chair per annum		3 00
Billiard tables in billiard halls, each per annum		3 00
Boilers for distilling, each per annum	10 to	20 00
Bottling ale and beer, per annum	5 to	10 00
Bathing tanks, each per annum	10 to	30 00
Baptismal pools, each per annum		10 00
Boilers (steam) for heating purposes, each per annum	3 to	10 00
Churches, each per annum	5 to	10 00
Convents (dwelling-house rates).		
Commercial colleges, each per annum	5 to	10 00
Car houses (street railway), each per annum	5 to	10 00
Club rooms, each per annum	3 to	5 00
Dairies, for five cows or less, each per annum		1 00
Dairies, for each additional over five, each per annum		75
Dental spittoons, each per annum		5 00
Drinking stand or fountains, each per annum	3 to	10 00
Eating houses, each table per annum		1 25
Faucets in ice boxes for washing and cooling purposes each per annum		1 50
Fountains and aquariums, each per annum	5 to	30 00
Fountains, soda, each per annum		5 00
Filling cistern		3 00
Fish and game stand, each per annum	5 to	25 00
Fire protection, 6" attachment, each per annum		25 00
Fire protection, 4" attachment, each per annum		15 00
Fire protection, 3" attachment, each per annum		10 00
Fire protection, 2" attachment, each per annum		7 50
Fire protection, 1½" attachment, each per annum		5 00
Fire protection, 1¼" attachment, each per annum		4 00
Fire protection, 1" attachment, each per annum		3 00
Gardens, flower, each per annum	5 to	10 00
Gardens, vegetable, each per annum	5 to	10 00
Greenhouses, each per annum	3 to	5 00
Gymnasiums, each per annum		5 00
Halls, public, each per annum	5 to	15 00
Hospitals (dwelling-house rates).		
Hydraulic pump, in bars or beer saloons, each per annum		Meter
Laboratories, chemical, each per annum	10 to	25 00
Lumber sheds, each per annum		5 00
Market-houses, per stall, per annum		1 00
Meat washing, per annum	10 to	50 00
Meat brining, per annum	10 to	50 00
Market-houses, small, for not exceeding fifteen stalls, per annum	5 to	15 00
Milk depot, each per annum	5 to	10 00

Medical dispensaries, each per annum.....	\$5 00
Motors, small hydraulic.....	\$5 to 30 00.
Medical colleges, including laboratory and lecture room, per annum.....	10 to 20 00
Organ motors, each per annum.....	30 00
Pork-houses, per hog killed.....	01
Rooms over bars or club rooms, per annum.....	3 to 5 00
Schools, in private buildings, for fifty pupils or less in number, per annum.....	5 00
Schools, for each additional pupil over fifty, per annum..	05
Silver plating, per annum.....	5 to 15 00
Soaking tanks, cooperage and lumber, each per annum..	10 to 25 00
Slaughter-houses, per annum.....	10 to 40 00
Street-car washing, each per annum.....	3 00
Street railway, watering station, per annum.....	10 to 20 00
Steam heating boilers, per annum.....	3 to 10 00
Syphon pumps or hydraulic pumps, each per annum....	5 00
Testing cylinders, in fire extinguisher works, per annum..	5 to 10 00
Testing boilers, in boiler yards, per annum.....	5 to 10 00
Theaters, per annum.....	10 to 20 00
Washing machines, private use, each per annum.....	3 00
Washing machines, public, each per annum.....	5 to 10 00

DIGEST OF DECISIONS
OF THE
COURT OF APPEALS OF KENTUCKY
IN CASES RELATING TO THE ORGANIZATION,
MANAGEMENT AND OPERATION
OF
WATER COMPANIES.

In preparing the subjoined digest the effort has been to include all decisions of the Court of Appeals of Kentucky relating to the organization and management of water companies and the construction of waterworks. It embraces opinions reported in 173 Kentucky and 189 Southwestern Reporter and all cases prior thereto. There is also included certain decisions of the United States Supreme Court, rendered on appeals of Kentucky cases, and a decision of the United States Circuit Court of Appeals, Sixth Circuit, construing a rule of the Louisville Water Company.

From the decisions it will be seen that the following questions have been settled in this state.

First—Municipalities are authorized to construct, or purchase, and operate waterworks, or to contract for a supply of water. Taxes may be levied and collected for these purposes, they being public purposes within the meaning of the Constitution.

Second—Water companies may make and enforce reasonable rules; they may require payment in advance or the depositing of a sufficient sum to guarantee the payment of bills; they may require the installation of meters; they may shut off the supply for non-payment of bills and refuse to again turn on the water until the bills are paid. A consumer has no right to demand continued service when he refuses to pay, merely because he thinks the bill is exorbitant or because he, in good faith, disputes its correctness, but he may recover damages for shutting off the service if the bill he refuses to pay is unjust.

Liability for water bills rests upon the person or persons to whom the water was furnished and does not attach to the building or lot, so that one who purchases property cannot be made liable for water bills owing by a former owner or tenant. Within its rules a water company owes, to every member of the public, service on equal terms and without discrimination.

Third—A water company, organized to supply a certain municipality, may extend its mains and supply persons outside of the corporate limits, provided in so doing the obligation to furnish within the municipality is not impaired.

Fourth—A water company is liable in damage to a citizen whose property is destroyed by fire, in cases where, under its contract with the municipality, the company is obligated to furnish water for fire protection, and the loss is due to violation of the contract.

Fifth—Waterworks owned by a municipality, being public property used solely for public purposes, are exempt from taxation.

Sixth—Sprinkling the streets of a municipality is a public purpose for which taxes may be levied and collected. But no special tax or assessment can be levied against property abutting on the streets to pay for such sprinkling.

The doctrine that a citizen whose property is destroyed by fire, due to the failure of a water company to supply water as required by its contract with the municipality, can hold the company liable for the loss, was first announced in Kentucky. The pioneer case was *Paducah Lumber Co. v. Paducah Water Supply Co.* 89 Ky. 340, 12 S. W. 554, 7 L. R. A. 77, 25 Am. St. Rep. 536. The rule there announced has been repeatedly followed in this state. The cases are based upon the principle that the city, in making the contract with the water company, represents its inhabitants and contracts for their benefit and a citizen who suffers loss by reason of the failure of the company to comply with its contract is the real party in interest. While one or two states have followed the Kentucky rules the decided weight of authority is the other

way. The courts which deny the right of recovery in such cases proceed upon the idea that no privity of contract exists between the individual citizen and the water company.

The question of the liability of waterworks property to taxation has been the source of much litigation. Until the decision in *Board of Councilmen of the City of Frankfort v. Commonwealth*, 29 K. L. R. 699, 94 S. W. 648, in 1906, it had been held that waterworks owned by a municipality was not public property used for public purposes within the meaning of the Constitution and statutes. Prior to 1886 various special acts were passed by the Legislature exempting specific water companies from taxation. In 1886 these exemptions were repealed by the general revenue law. The constitutionality of this law was attacked on the principal ground that vested rights had been acquired under the exemption statutes, but the Court of Appeals and the United States Supreme Court upheld the enactment upon the ground that the exemptions which were acquired after 1856 were subject to repeal under the terms of the act of 1856 relating to corporations.

Subsequent to 1886, but prior to the adoption of the present Constitution, other acts exempting waterworks property, in certain cities, were passed and the Commonwealth, after the present Constitution became effective, contended that these laws were repealed by Section 170 of the Constitution and the Statutes enacted pursuant thereto. This contention was upheld by the Court of Appeals and the United States Supreme Court, which held that no contract or vested right was impaired by the withdrawal of the exemption. The Supreme Court, however, in affirming the judgment of the Court of Appeals indicated that it did not agree with the latter court in holding that waterworks property, owned by a municipality, was not public property used for public purposes.

So the matter rested until the case of *Board of Councilmen v. Commonwealth*, *supra*, when, by a divided court, it was decided that such property was exempt from taxation. This rule has been followed in all subsequent

cases. At the time of the decision of the last-referred-to case all of the capital stock of the Louisville Water Co. was owned by the City of Louisville and held in the Sinking Fund, and the property was under the control of the Board of Water Works. The legal title to the property, however, remained in the Company. It was supposed, under these conditions, the property was exempt but in *Bell v. City of Louisville*, 32 K. L. R. 699, 106 S. W. 862, the court held that, for taxation purposes, the shares of stock were not identical with the corporate property which, being vested in a private corporation, was subject to taxation. Upon the decision of this case the title to all the property was, by deed, vested in the city and this was held sufficient to exempt it from taxation. *Ryan v. City of Louisville*, 133 Ky. 714, 118 S. W. 992.

The Federal government has also taken the same view and held that no corporation tax can be levied on the Louisville Water Company because the property is owned by the city.

Several questions of importance to water companies have not been adjudicated in Kentucky. One is as to the right to compel the consumer to pay the cost of the service connection from the street main to the property line. In a number of other states this point has been decided and the great weight of authority is that the consumer cannot be charged with the cost of such connections. The rule is based upon the idea that the connections are laid in the public highways, where the property owner would have no right to lay them; that they become, when completed, an integral part of the distributing system of the company, being as much a part of the plant as the principal mains or reservoirs; that the consumer can exercise no ownership or control over them. *Bothwell v. Consumers Co.*, 13 Idaho, 568; 92 Pac. 533; *Pocatelo Co. v. Standley*, 7 Idaho, 155; 61 Pac., 518; *Hatch v. Consumers Co.*, 104 Pac. 670; *Water Co. v. Hatch*, 224 U. S., 148; *International Water Co. v. El Paso*, 112 S. W., 816; *Cleveland v. Malden Water Co.*, 125 Pac., 769; *City of Montgomery v. Greene*, 60 So., 900; *Moore v. N. O. Water Co.*, 113 Fed. 380; *Hangen v. Albina Water Co.*,

21 Oregon, 411; 28 Pac., 224; 14 L. R. A., 424. The Alabama Supreme Court, in *Birmingham Waterworks Co. v. Hernandez*, 71 So., 443, L. R. A., 1916 E, 258, is practically alone in holding that the consumer can be made to bear this expense.

Another point, in the same connection, is, what constitutes the property line in cases where the property owner, with the consent of the municipality, extends his cellar under the sidewalk to the curb line. There is no decision precisely in point. It is the view of the writer that in such cases the extension of the cellar would, so far as service connections are concerned, be construed as an extension of the property line to the curb.

PUBLIC WATER SUPPLY

A city, charged with the duty of cleaning the streets and maintaining healthful conditions, must be regarded as having the rights of riparian owners whose interests with those of its citizens it conserves. *Hicks v. City of Owensboro*, 6 Ky. Law Rep. (abstract) 226.

An act incorporating the Bowling Green Waterworks Company provided that the City of Bowling Green should have the power and privilege of subscribing the whole amount of stock necessary for the building and putting in successful operation the contemplated waterworks, and that if it did so it should be entitled exclusively to all the privileges and franchises granted by the act. The city subscribed the whole amount of stock required, and constructed and has maintained the waterworks. Held, that it was the intention of the legislature that, in the event the city should subscribe all the stock, it should take the place of the waterworks company, and, therefore, the city, and not the waterworks company, is the proper person to sue for water rent. *City of Bowling Green v. Potter*, 8 Ky. Law Rep. (abstract) 522.

An act entitled "An act to incorporate the Bowling Green Waterworks Company" is not void in so far as it confers upon the city power to subscribe stock, and to become substituted to all the privileges and franchises of

the waterworks company, although the title of the act contains no suggestion that it is an amendment to the charter of the city. An amendment, in terms, to the charter of a city, is not necessary to authorize the city to subscribe stock in, or to exercise the privileges and franchises of such a corporation. *City of Bowling Green v. Potter*, 8 Ky. Law Rep. (abstract) 522.

The City of Frankfort having constructed a reservoir near the city, and desiring to lay pipes through the farm of appellant so as to conduct the water to the city for the use of the public, the city council entered into a contract with appellant whereby he granted to the city the right of way for the pipes in consideration, among other things, of their agreement that he should have "at all times on such place on said land as he may designate the free use of two ordinary hydrants," the service pipes to be furnished and kept up by him. After this contract had been entered into, and when each party from its execution had been in the enjoyment of the rights acquired by it, the city contracted with a water company to furnish water to its inhabitants from a different reservoir that the company was to construct, and sold to the company all of its rights and franchises pertaining to the old way, giving to them the right to dig up the pipes on the old way, to be used in the construction of their new works. This action was instituted by appellant to prevent, by injunction, this breach of his contract with the city. Held, the city council had the power to contract with appellant for the right of way, and the city cannot violate the provisions of that contract to the injury of appellant, who is not asking any affirmative relief, but merely asking that his connection with the reservoir shall not be severed. *Brown v. City of Frankfort, etc.*, 10 Ky. Law Rep., 462, 9 S. W. 384.

Where a town is the owner of a spring affording it a supply of water, an injunction will lie restraining a person from maintaining a dam which renders such spring impure or unhealthy, or causes a decrease in the quantity of water. *Daniel v. Town of Princeton*, 15 Ky. Law Rep. 108, 22 S. W. 324.

A municipal grant of a franchise to a waterworks company for a term of years, without receiving bids therefor publicly after due advertisement, as required by Const. 164, is void. *Nicholasville Water Co., v. Board of Councilmen of Town of Nicholasville, (Ky.)* 18 Ky. Law Rep. 592, 36 S. W. 549.

Where a city contracts to receive and pay for water furnished by a company operating under an invalid franchise, the city is bound to pay for the amount of water actually received and used, though the contract is invalid. *Nicholasville Water Co., v. Board of Councilmen of Town of Nicholasville, (Ky.)*, 18 Ky. Law Rep. 592, 36 S. W. 549.

The grant by a town of a franchise to a water company was void because of the failure of the town to receive bids publicly after advertisement, as provided in Section 164 of the Constitution, which became operative upon the adoption of that instrument. And the grant of the franchise being void, a contract made with the assignee of the company, for water supply, is also void. However, the town is liable to the extent it has received its water supply under the contract, and must pay for same, even though the company be regarded as an occupant of the streets of the town without lawful authority. *Nicholasville Water Co., v. Board of Councilmen, etc.*, 18 Ky. Law Rep. 592, 36 S. W. 549, 38 S. W. 430.

A preliminary contract by a water company with the trustee of an estate, who was also the husband of the life tenant and entitled to tenancy by the courtesy in case of his survivorship, by which it was agreed that the company might acquire by condemnation proceedings land belonging to such estate for a reservoir site, reserving to himself, however, the right to gather ice from the waters of the reservoir and the exclusive right of fishery therein, conveyed only a personal right to such trustee to those privileges, which does not extend to the owners of the land or to the heirs of such trustee, where such company paid the full value of the land in the condemnation proceedings, and acquired thereby its use in perpetuity for reservoir purposes, and, but for the reservation in such con-

tract, no person would have had any right or interest in the condemned land save the company, except, perhaps, the bare possibility of reverter for nonuse, and such contract conferred no rights to the land other than a surrender of such rights, present or contingent, as he had in himself thereto; and the fact that, by a subsequent contract, such company acquired the right to overflow other lands of the estate in consideration of fixed damages and an annual rental, which reserved to such trustee and his wife, their heirs and assigns, the exclusive right to fishery and to harvest ice on the waters of that part overflowed, in no way modified the first contract, but left the land condemned theretofore as though the second contract had not been made. *Lexington Hydraulic & Mfg. Co., v. Preston*, 20 Ky. Law Rep. 617, 47 S. W. 330.

A water company will not be enjoined from diverting water from its natural channel for the purpose of supplying the public, where the failure of plaintiff's water supply is not clearly traceable to such diversion, and he has an adequate remedy at law for any damage he may sustain. *Murphy v. Stanford Water, Light & Ice Co.*, 20 Ky. Law Rep. 2000, 50 S. W. 835.

Where the charter of a water company created to supply a city with water required any contract made by the company with the city to be ratified by the voters of the city at an election held for that purpose, in an action by the water company to enforce such a contract it was incumbent on plaintiff to show by its petition that the contract was submitted to and ratified by the voters substantially as required by law. *City of Harrodsburg v. Harrodsburg Water Co.*, 23 Ky. Law Rep. 956, 64 S. W. 658.

A railroad company took a deed to land securing to it the use of the water of a spring for railroad purposes. The land was conveyed to a land company, and a contract made between the railroad and it, by which the railroad agreed to repair a waterworks system constructed by the land company and to supply water. Lots were sold on representation that free water would be furnished citizens. Later the land company released the railroad from

its obligation. Afterwards many citizens went to the spring and got water, often taking it in buckets from the supply pipe of the railroad's waterworks. Held, that this did not amount to continuing to supply citizens with free water under the abrogated contract, but constituted them merely licensees. *Louisville & N. R. Co. v. Dickey*, 24 Ky. Law Rep. 1710, 72 S. W. 332.

The fact that the bottom of the reservoir fell out and the railroad company built a new water tank of its own, constituted an abandonment of the contract. *Louisville & N. R. Co., v. Dickey*, 24 Ky. Law Rep. 1710, 72 S. W. 332.

The land and railroad companies had the right to abrogate the contract for the water supply, the rights of the citizens under any contract they might have had with the land company not being affected thereby. *Louisville & N. R. Co., v. Dickey*, 24 Ky. Law Rep. 1710, 72 S. W. 332.

A civil district having no power to contract for water for fire protection is not liable for water furnished for such purpose. *South Covington Dist. v. Kenton Water Co.*, 25 Ky. Law Rep. 1592, 78 S. W. 420.

Where an owner of a portion of a spring leased his right thereto to a waterworks company, and his successor in title conveyed his rights in the spring to another corporation, subject to the former grant, the rights which the grantee in the latter deed obtained were subject to the prior rights of the lessee from the original owner, and the grantee could not exercise any rights in the spring to the prejudice of the rights of the lessee. *Water Supply Co., v. City of Georgetown*, 26 Ky. Law Rep. 327, 81 S. W. 660, rehearing denied 26 Ky. Law Rep. 570, 82 S. W. 233.

Where a city, which used water from a certain spring, to which it claimed title, gave a corporation a permit to "tap the spring branch by an underground pipe," not specifying the point at which the branch might be tapped, the corporation had a right to tap the branch at any point after it left the pool of the spring. *Water Supply*

Co. v. City of Georgetown, 26 Ky. Law Rep. 327, 81 S. W. 660, rehearing denied 26 Ky. Law Rep. 570, 82 S. W. 233.

Where a city had a prescriptive right to maintain a ditch of a certain capacity over plaintiff's land, it was not authorized to enter the land for the purpose of doubling the capacity of the ditch. *City of Owensboro v. Brocking*, 27 Ky. Law Rep. 1086, 87 S. W. 1086.

Under Ky. St. 1903, 3058, subd. 4, empowering a city of the second class to provide the city with water, the city has power to provide and maintain a waterworks system. *Commonwealth v. City of Covington*, 128 Ky., 36, 107 S. W. 231.

A city is but a political subdivision of the state, and is given power to maintain a waterworks system for the purpose of promoting the comfort, health, and safety of its inhabitants as the agent of the state. *Commonwealth v. City of Covington*, 128 Ky. 36, 107 S. W. 231.

One maintaining, under a revocable license, pipes in the streets of a city to deliver water, cannot recover damages from the city for not allowing him to carry on the business. *Kevil v. City of Princeton*, 118 S. W. 363.

The provision of Kentucky Statutes, Sec. 1987, providing that all corporate charters or amendments enacted after February 14, 1856, shall be subject to amendment or repeal, at the will of the Legislature, unless a contrary intent is therein plainly expressed, and that no amendment or repeal should impair any right previously vested, has no application to the charter of a water company, granted in 1882, which, by its terms, should remain in force for sixty years and should not be amended within thirty years, unless the Company had violated the same, and then only by a majority of each house of the Legislature. *Slade v. City of Lexington*, 141 Ky., 214 132 S. W. 404, 32 L. R. A. (N. S.) 201.

Section 164 of the Constitution, regulating the granting of franchises, and Section 157, regulating the limit of indebtedness which a city may incur, do not prevent a city from complying with a contract, otherwise valid, made before such constitutional provisions were adopted,

to renew a contract with a water company, on reasonable terms to be fixed, for a period of 25 years after the first term had expired. *Slade v. City of Lexington*, 141 Ky. 214, 132 S. W. 404, 32 L. R. A. (N. S.) 201.

A contract between a city and a water company, entered into in 1883, authorized the company to supply the city on certain terms for 25 years, with the option to the city to purchase the plant at the end of that time, and then declared that if the city did not elect to purchase, the contract should be renewed for 25 years longer, "on terms as mutually agreed on at that time." Held that, such renewal provision contemplated that if the parties could not agree on terms of renewal, reasonable and equitable terms should be fixed by the court, and that the renewal provision was, therefore, valid. *Slade v. City of Lexington*, 141 Ky. 214, 132 S. W. 404, 32 L. R. A. (N. S.) 201.

Under the provisions of a statute empowering a city to contract for water and light the City Council may purchase and construct waterworks and lighting plants to supply those needs. *Swann v. City of Murray*, 146 Ky. 148, 142 S. W. 244.

An ordinance, providing for the submission to the voters of the question whether the city should issue bonds to the amount of \$23,000, for the purposes of installing and maintaining an electric light and water system, or either of these systems, submitted but a single proposition—the issuance of the bonds—and is not invalid in giving the council discretion to construct either both or one of the systems. *Swann v. City of Murray*, 146 Ky. 148, 142 S. W. 244.

A municipal ordinance recited the necessity of incurring a debt within the constitutional debt limitation for waterworks, and ordered that the city be authorized to issue bonds therefor to a certain amount with stated terms as to payment and interest; that an election be held at which a two-thirds vote should carry the proposition; that notice should be published in newspapers circulating in the city; that the clerk of the county court

should prepare ballots in the form prescribed; that on adoption of the proposition the city council should provide for the levy of an annual tax, signed by the mayor and attested by the city clerk. Held, that the ordinance sufficiently complied with the statute. *Rash v. City of Madisonville*, 148 Ky. 154, 146 S. W. 386.

A municipal ordinance, providing for an election on a proposition to issue bonds for waterworks, was published in newspapers circulating in the city, and notices setting out in general terms the purposes of the ordinance were published not only in one paper, as the law directs, but in two, and publication was also made by posting such notices at public places in the city. Held, that the notice given was sufficient. *Rash v. City of Madisonville*, 148 Ky. 154, 146 S. W. 386.

Under section 158 of the constitution, limiting the indebtedness which a city may incur, an indebtedness of the school board for its graded school districts is not a part of the indebtedness of a city of the fourth class, so as to preclude the issue of bonds, to provide a water supply, voted at an election, to an amount within the constitutional limitation of debt. *Rash v. City of Madisonville*, 148 Ky. 154, 146 S. W. 386.

The establishment of a water system in a city is not a governmental function in which the state has such an interest as would give it power to compel the maintenance of such system. *Kenton Water Co., v. City of Covington*, 156 Ky. 569, 161 S. W. 988.

A water company, having contracted to supply a town with water, contracted with a neighboring town to purchase the water which was to be transmitted to the town by a system to be installed. **STREETS** the contract further provided that the soil of a turnpike, an easement during the term of the contract, for which for that purpose belongs to a turnpike company, can recover damages from a water company for digging up such turnpike for the purpose of laying its pipes therein, notwithstanding the work was done under an authority conferred upon it by such turnpike company, which

new contract, and was not an exercise of its option to purchase under the contract, and did not bind it to have the price fixed by arbitration. *Kenton Water Co., v. City of Covington*, 156 Ky. 569, 161 S. W. 988.

Laws 1910, c. 83, requiring any city, before establishing its own water system in any neighboring town which it might annex, to purchase the property of the company then supplying the town, violates Const. 181, prohibiting the General Assembly from imposing taxes for the purposes of any county, city, etc., since the purchase of waterworks would necessitate the levy of a tax, and the Legislature cannot do indirectly what it cannot do directly. *Kenton Water Co., v. City of Covington*, 156 Ky. 569, 161 S. W. 988.

The authority of the City of Covington to construct and maintain a water system granted by Ky. St. 3058, subsec. 4, was not repealed by laws 1910, c. 83, prohibiting the city from establishing its own water system until it shall have purchased the property of any water company then supplying, since the latter act was void. *Kenton Water Co. v. City of Covington*, 156 Ky. 569, 161 S. W. 988.

Const. 157 and 158, respectively, declare that the tax rate of all towns or cities, having less than 10,000 inhabitants shall be seventy-five cents on the \$100.00; that no city shall be authorized to become indebted in an amount exceeding the income and revenue for that year without the consent of two-thirds of the voters; and that cities and towns of the fourth class may incur indebtedness, including existing indebtedness, in an amount not both less of five per cent of the taxable value of the 146 Ky. ~~and~~ ^{therein}, but that any city or town may incur

A municipal ~~order~~ of such limitations when it has ccurring a debt within the ~~in~~ in force prior to the adoption for waterworks, and ordered ~~held~~ ^{held} for the completion or to issue bonds therefor to a certain amount with ~~stated~~ ^{stated} terms as to payment and interest; that an election be held at which a two-thirds vote should carry the proposition; that notice should be published in newspapers circulating in the city; that the clerk of the county court

water company whereby it obligated itself to pay for hydrants located and an additional sum for hydrants to be thereafter located. The contract provided that at the expiration of a twenty-five-year period the city should have the option to purchase the property at a price to be agreed upon or should renew the contract. To pay the charges agreed upon the city was forced to levy taxes in excess of the rate authorized. Held that, as the rentals which would have to be paid on renewal of the contract if it was renewed for another period of twenty-five years, would practically equal the purchase price of the waterworks system, and, as the city was bound to elect one of the alternatives, bonds issued for the purchase price of the waterworks system do not fall within the constitutional inhibition, the contractual obligation being an indebtedness within the Constitution. *Benjamin v. City of Mayfield*, 170 Ky. 446, 186 S. W. 169.

Where, under a contract with a water company, a city had authority to pay charges which necessitated a levy in excess of Const. 157, 158, which were subsequently adopted, or was bound to purchase the plant, the municipal officers have the discretion in determining which alternative they will pursue; Ky. St. 3490, subsec. 2, providing that in addition to the levy authorized by the Constitution a tax not exceeding 100 cents on the \$100 may be levied for the payment of pre-existing debts, while subsection 26 declares that a city having an indebtedness contracted previous to the adoption of the Constitution may issue renewal or funding bonds, provided the bonds shall not exceed the principal of the bonded and floating debt. *Benjamin v. City of Mayfield*, 170 Ky. 446, 186 S. W. 169.

RIGHTS IN STREETS

The owners of the soil of a turnpike, an easement for which for that purpose belongs to a turnpike company, can recover damages from a water company for digging up such turnpike for the purpose of laying its pipes therein, notwithstanding the work was done under an authority conferred upon it by such turnpike company, which

authority is void because it was an attempt to confer on another a right not existing in itself; and such owners cannot be compelled to look to the turnpike company for the damages thus done. *Covington Reservoir v. Hopp*, 12 Ky. Law Rep. 140.

Under a charter of a water company authorizing it to lay its pipes under any highway or street, but not so as to obstruct travel thereon, the water company need not first obtain the consent of the city before putting down its mains in the street. *City of Louisville v. Louisville Water Co.*, 105 Ky. 754, 49 S. W. 766.

Const. 163, providing that no water company "shall be permitted or authorized" to lay its pipes or mains under the streets of a city without the consent of the proper legislative body of such city being first obtained but that "when charters have been heretofore granted conferring such rights, and work in good faith has been begun thereunder, the provisions of this section shall not apply," does not apply to a water company which had for many years been laying its pipes in the streets of a city without the city's consent, under authority conferred by its charter. *City of Louisville v. Louisville Water Co.*, 105 Ky. 754, 49 S. W. 766.

Ky. St. 2825, providing that the board of public works of a city of the first class shall have exclusive control over the use of all streets of the city, did not repeal a provision of the charter of a water company conferring the right to lay pipes in the streets of the city. *City of Louisville v. Louisville Water Co.*, 105 Ky. 754, 49 S. W. 766.

CHARGES, RULES AND REGULATIONS

A city, having purchased a right of way across a person's land for its water pipes for a sum of money and the privilege in the landowner of taking water from such pipes at all times, may be enjoined from removing the pipes, and thus cutting off the landowner from the water supply. *Brown v. Frankfort*, 10 Ky. Law Rep. 462, 9 S. W. 394, 702.

A water company having the right to the use of the streets of a city for the purpose of laying down its pipes

in consideration that it will furnish water to the city and its inhabitants, has no right to prohibit connection with its mains necessary to conduct the water to private dwellings and for private use, unless the same is made by persons licensed by the company and who have executed their bonds to it indemnifying it for such work. Such a rule is not a reasonable one for the regulation of the use of its property, but is an attempt to exercise the power of controlling the rights of others; and, even if its charter and the ordinances of the city give it such power, the same would be void as in violation of the organic law of the state. *Franke v. Paducah Water Supply Co.*, 88 Ky. 467, 4 L. R. A. 265, 11 S. W. 432, 718.

A water company cannot be compelled to violate its regulations under which it furnishes water on the meter plan, but with reference to only one building or residence, by furnishing water to one consumer through one meter for his place of business, residence, and four tenant cottages. *Specht v. Louisville Water Co.*, 25 Ky. Law Rep. 1506, 78 S. W. 142.

Under its contract with the city a water company had the right to charge a stipulated sum for furnishing water to occupants of houses, the amount varying with the size of each house. A different rate was provided for manufacturers and large consumers and the company had the right to require the installation of meters and to charge ten cents per thousand gallons. The owner of a building containing six apartments, separated from each other by solid walls, demanded the right to discontinue the six separate services, which had theretofore been maintained, and have the entire building supplied through one service with a meter attached. The court held each of the apartments constituted a separate house and that the company had the right to charge the schedule fixed for houses containing a corresponding number of rooms. *Berends v. Bellevue Water and Fuel Gaslight Co.*, 119 Ky. 8, 82 S. W. 983.

A demand of a water company for supplying a city with water does not bear interest until the institution of suit, where the demand is unliquidated because of the

water company's noncompliance with the contract under which the water was furnished, and consequent right to recover only the value of the water actually furnished. *Harrodsburg Water Co. v. City of Harrodsburg*, 28 Ky. Law Rep., 625, 89 S. W. 729.

Where water is supplied to the various tenants of a building, through a single service connection, the Water Company has the right to shut off the entire supply upon the failure of any of the tenants to pay the amount assessed against them even though other tenants, who have paid their bills, are thereby deprived of water. A rule of the water company providing for shutting off the supply under such circumstances held to be reasonable. *Cox v. City of Cynthiana*, 123 Ky. 363, 96 S. W. 456.

One who purchases a building, the former owner of which owed a water bill, cannot be deprived of the use of water until such bill is paid. *City of Covington v. Ratterman*, 128 Ky. 336, 108 S. W. 297, 17 L. R. A. (N. S.) 923.

Liability for water rent rests upon the person or persons to whom the water was furnished and does not attach to the building or lot. *City of Covington v. Ratterman*, 128 Ky. 336, 108 S. W. 297, 17 L. R. A. (N. S.) 923.

A rule of a water company providing that in case of nonpayment of bills the water will be shut off and not turned on again until all amounts due are paid with a charge of \$1.00 for turning on the water, is reasonable but it must be enforced against the delinquent to whom the water was furnished and the credit extended and cannot be enforced against an innocent purchaser of property owned or occupied by such delinquent. *City of Covington v. Ratterman*, 128 Ky. 336, 108 S. W. 297, 17 L. R. A. (N. S.) 923.

Public service corporations having the right of eminent domain, or exercising the use and occupation of streets are privileged to make and enforce reasonable rules for the conduct of their business. But within such rules they owe to every member of the public the same character

of service; that is, service on equal terms and without discrimination. *Louisville Tobacco Warehouse Co. v. Louisville Water Co.* 162 Ky. 478, 172 S. W. 928.

It is the generally accepted rule that, in addition to having recourse to the courts, a water company may enforce the payment of its lawful charges by shutting off the water from particular premises, and it may refuse to furnish water until its bills are paid. *Louisville Tobacco Warehouse Co. v. Louisville Water Co.*, 162 Ky. 478, 172 S. W. 928.

When a water company adopts the drastic remedy of shutting off water for nonpayment of bills, it must be correct in the amount and manner of its demand as otherwise it is liable in damages to the injured party. *Louisville Tobacco Warehouse Co. v. Louisville Water Co.*, 162 Ky. 478, 172 S. W. 928.

In a suit for damages against a water company for shutting off water it is competent to attack the correctness of the demand on account of which service was discontinued and, if it is shown to be wrong, the water company should pay the damage which it has inflicted by thus taking the law into its own hands and becoming judge of its own case. *Louisville Tobacco Warehouse Co. v. Louisville Water Co.*, 162 Ky. 478, 172 S. W. 928.

A consumer has no right to demand continued service when he refuses to pay, merely because he believes the bill is exorbitant, or because he in good faith disputes the correctness of it, even though there are reasonable grounds for the dispute. He has ample remedy to protect himself against extortion or damage or loss of service. He may recover damages if it appear that he has been deprived of service for refusal to pay an unjust bill, or he may keep the service by paying under protest the bill rendered and sue to recover the excess, or he may execute bond and enjoin the water company from shutting off the service until the dispute is terminated. *Louisville Tobacco Warehouse Co. v. Louisville Water Co.*, 162 Ky. 478, 172 S. W. 928.

LIABILITY FOR LOSS BY FIRE

As it is not susceptible of proof that a fire could have been extinguished had there been plenty of water, no recovery can be had for the failure to supply water to extinguish a fire. *Pottinger v. Owensboro Water Co.*, 6 Ky. Law Rep. (abstract) 453.

Where a contract of a water company with a city provided that the company should at all times supply sufficient water for all domestic, manufacturing and fire protection purposes the owner of property, which is taxed for water rent, which is destroyed by fire through the company's failure to supply a sufficient quantity of water to extinguish the same, may, in his own name sue the company on its contract with the city for the damage sustained. *Paducah Lumber Co. v. Paducah Water Supply Co.*, 89 Ky. 340, 12 S. W. 554, 7 L. R. A. 77, 25 Am. St. Rep. 536.

The destruction of one's property by fire is such a proximate result of the water company's negligence in failing to supply a sufficient quantity of water as entitles him to recover. *Paducah Lumber Co. v. Paducah Water Supply Co.*, 89 Ky. 340, 12 S. W. 554, 7 L. R. A. 77, 25 Am. St. Rep. 536.

A contract between a city and a water company, under which the company is obligated to furnish sufficient water for fire protection, is for the benefit of the property owners in the city, as well as for the benefit of the municipality, and a property owner has the right of action against the company for injury sustained by him by reason of failure of the company to comply with its contract with the city. *Duncan v. Owensboro Water Co.*, 12 Ky. Law Rep. 35, 12 S. W. 557.

In order to recover against a water company, for loss occasioned by fire, it must appear that the failure of the company to furnish sufficient water, as required by its contract with the city, was the proximate cause of the damage. *Duncan v. Owensboro Water Co.*, 12 Ky. Law Rep. 35, 12 S. W. 557.

The fact that a water company is liable to indictment and fine for violation of its contract with a city, does not exonerate it from civil liability to one injured by reason of its breach of the contract. *Duncan v. Owensboro Water Co.*, 12 Ky. Law Rep. 35, 12 S. W. 557.

Where a contract with a city requires a plant furnished by a water company to supply a certain quantity of water and force for its fire department, subject to acceptance by the city, after acceptance the capacity of the plant as accepted, and not that called for by the original contract, is the measure of the amount of water and force the company must furnish. *Owensboro Water Co. v. Duncan's Admx.* 17 Ky. Law Rep. 755, 32 S. W. 478.

Where, on suit against a water company by a private citizen for loss through failure of the company to furnish the quantity and force of water required by its contract with a city, there is evidence that the apparatus of the fire department was insufficient for the quantity and force actually supplied, the plaintiff cannot recover. *Owensboro Water Co. v. Duncan's Admx.*, 17 Ky. Law Rep. 755, 32 S. W. 478.

Where, on suit against a water company by a private citizen for loss by fire through its failure to furnish the amount of water called for by its contract with a city, it appears that the contract exempts the company from liability for such failure occasioned by "unavoidable accident," and there is uncontroverted evidence that the failure was so caused, a verdict for plaintiff should be set aside. *Owensboro Water Co. v. Duncan's Admx.*, 17 Ky. Law Rep. 755, 32 S. W. 478.

A property owner may maintain an action against a water company for the destruction of his property by fire due to the failure of the company to comply with its contract with the city. *Graves County Water Co. v. Ligon*, 112 Ky. 775, 66 S. W. 725.

It is universally held that a city is not liable to a property owner for the loss of his property. It is equally clear that a city cannot sue a water company and recover damages for the loss of private property. The result

is that, if the owner himself cannot sue for the loss of his property, he is without recourse although his property has been destroyed by the breach of a contract made for his benefit by the city. *Graves County Water Co. v. Ligon*, 112 Ky. 775, 66 S. W. 725.

Where under a contract with a city a water company is obligated to furnish a certain pressure for fire hydrants the company is liable to an individual property owner for damages by fire where the required pressure is not maintained. *Lexington Hydraulic and Mfg. Co. v. Oots*, 119 Ky. 598, 84 S. W. 774.

A contract of a water company with a city which requires the machinery and hydrants of the company to be of a certain make and sufficient to throw, if necessary, six streams of water at one time out of two and one-half inch hose, with one-inch nozzle, to a height of eighty to one hundred feet, does not require a pressure sufficient to throw six streams of the prescribed force at one time and on one main, but merely to throw six such streams from six hydrants at different points on the system, where a pressure sufficient to throw six such streams from a four-inch main, would burst it and all the plumbing in the city. *Lexington Hydraulic and Mfg. Co. v. Oots*, 119 Ky. 598, 84 S. W. 774.

A contract between a city and a water company required the company to keep all fire hydrants in effective working order and supplied with water, except while repairing or removing any hydrant which had become ineffective for any cause other than willful negligence. It was held that the contract did not bind the company to furnish water at all hazards, the act of God or the public enemy alone excepted, nor render it liable for a deficiency of water, at the time of a fire, the deficiency being caused by an accident to one of the wells of the company, the accident not being the result of negligence of the company. *Springfield F. & M. I. Co. v. Graves County Water & Light Co.*, 120 Ky. 40, 85 S. W. 205.

Where a water company is required by its contract with a city to maintain a certain pressure in its mains

and the property of a citizen is destroyed by fire by reason of the failure of the company to maintain the required pressure, the property owner is entitled, in a suit for damages, to recover the damage caused by the fire. *Shelbyville Water & Light Co. v. McDade*, 122 Ky. 639 92 S. W. 568.

Declarations of an employee running the works of a water company, made while he was near the reservoir and out on the grounds of the company, to the effect that he had no water in the reservoir are inadmissible against the company in a suit to recover damages for failure to furnish sufficient water to extinguish a fire. Also the declaration of such employee, made to the manager of the water company, that he had fifty pounds pressure at the time of the fire, is inadmissible. *Shelbyville Water & Light Co. v. McDade*, 122 Ky. 639, 92 S. W. 568.

In an action against a water company for loss from fire, the loss being due to the failure of the company to supply water as required by its contract with the city, the company is entitled to show what pressure it usually maintains and what pressure is required to throw water fifty feet high through 100 feet of hose equipped with a one-inch nozzle. Also the company is entitled to prove by persons using faucets and hose just previous to a fire that they had the usual pressure, and this proof should not be confined to pressure on the main with which the property destroyed was connected. *Shelbyville Water & Light Co. v. McDade*, 122 Ky. 639, 92 S. W. 568.

Under a provision of its charter the Louisville Water Co. is obligated to so lay and construct its mains and aqueducts that an abundant supply of water can be drawn therefrom for the extinguishment of fires. While a building was burning no water could be had because of a defect in a fire cistern and because, at another point, a fire cistern was so covered with snow that it could not be located. It was held that the company could not be held liable since the fire cisterns were constructed by the city and under its exclusive control. *Terrell v. Louisville Water Co.*, 127 Ky. 77, 105 S. W. 100.

In building cisterns for fire protection a city acts in a governmental capacity and is not liable for damages by fire because of the cisterns being out of repair. Neither is a city responsible to a property owner if its firemen are negligent or its engines are negligently permitted to get out of repair, and, by this means, the owner's property is lost. *Terrell v. Louisville Water Co.*, 127 Ky. 77, 105 S. W. 100.

In making a contract with a water company for fire protection a city represents its inhabitants, and contracts for their benefit, and one who suffers a loss by reason of the company's default is the real party in interest in a suit by him to recover damages and is not bound by the testimony of members of the city fire department that the water pressure was all right. *Georgetown Water, G. & E. Co. v. Neale*, 137 Ky. 197, 125 S. W. 293.

In order to avoid liability for loss by fire a water company is not required to maintain, at the time of a fire, a greater pressure in its mains than its contract calls for although it may have maintained a higher pressure at other times. *Georgetown Water, G. & E. Co. v. Neale*, 137 Ky. 197, 125 S. W. 293.

Where a property owner has two contracts protecting him against fire, one with a water company for fire protection, made by the city, and another with an insurance company, he is only entitled to be made whole in case of a loss; and, where he has collected part of his loss from the insurance company he can only collect the remainder from the water company. *Georgetown Water, G. & E. Co. v. Neale*, 137 Ky. 197, 125 S. W. 293.

It is an established principle of the law of contracts in this state that where a water company has contracted with a city to furnish a supply of water sufficient to protect the inhabitants and property of the city against fire, the company must answer in damages to a citizen for loss by fire resulting from its failure or refusal to perform its contract; and that an inhabitant of the city who has suffered loss by fire by reason of the water company's breach of its contract may sue the water company with-

out joining the city as a party defendant. This class of cases comes within the rule which permits a party for whose benefit a contract is made to sue thereon in his own name, though the engagement be not directly to or with him. *Kenton Water Co. v. Glenn*, 141 Ky. 529, 133 S. W. 573.

Where the contract between a city and a water company provided that the company should supply sufficient water for protection against fire, and that it should supply private fire plugs as well as the ordinary private demands, the company was not liable to one who did not have a private fire plug, for destruction of property owing to its failure to supply sufficient water for fire protection, but such person could recover under the contract between the the company and the city, on showing that the water pressure in the general mains was wholly insufficient for general fire protection. *Kenton Water Co. v. Glenn*, 141 Ky. 529, 133 S. W. 573.

In an action against a water company for destruction of property owing to insufficient supply of water for fire protection, evidence that the water in the pipes and mains in plaintiff's house, was insufficient, was admissible, as it raised the inference that the pressure was insufficient in the principal mains 200 feet away, to which the city fire plugs were attached. *Kenton Water Co. v. Glenn*, 141 Ky. 529, 133 S. W. 573.

It is the settled law of this state that, where a water company has contracted with a city to furnish a supply of water sufficient to protect the inhabitants and property of the city against fire, the company must answer in damages to a citizen for loss from fire resulting from its failure or refusal to perform its contract; and an inhabitant of a city who has suffered loss from fire by reason of the company's breach of its contract with the city may sue the company without joining the city as a party defendant. But the measure of the rights and liabilities of the parties must in each instance be determined by the contract itself, and in order for a citizen to recover the value of the property destroyed it must appear that

a failure on the part of the water company to comply with some provision of the contract was the proximate cause of the destruction of the property. *Tobin v. Frankfort Water Co.*, 158 Ky. 348, 164 S. W. 956.

LIABILITY FOR FLOODING PREMISES

In an action for the flooding of plaintiff's cellar by the leaking of defendant's meter, evidence that other cellars in the neighborhood were flooded by water, and that such flooding occurred at different seasons of the year, and from causes other than the leaking of the meter, is incompetent, such cellars and plaintiff's not being shown to be similar, or similarly situated with respect to the causes of flooding. *Louisville Water Co. v. Weis*, 25 Ky. Law Rep. 808, 76 S. W. 356.

A city supplying public water is bound to use ordinary care to maintain its mains and pipes in proper condition and persons using water must use ordinary care to maintain in proper condition the pipes and fixtures upon their own property. Where the user's negligence concurred with that of the city in flooding his premises no recovery can be had. *Mann Bros. v. City of Henderson*, 154 Ky. 154, 156 S. W. 1063.

Where both parties are guilty of negligence which concurred in producing an injury, the one suffering the loss cannot recover, for the law will not stop to inquire which was the most negligent, but bars all recovery if the loss would not have happened but for the negligence of plaintiff. *Mann Bros. v. City of Henderson*, 154 Ky. 154, 156 S. W. 1063.

Where a municipality, after due notice that plaintiff's premises were being flooded by a leak from a pipe connecting with the city water mains, failed to use ordinary care to turn off the water and avert the damage, plaintiff can recover under the doctrine of the last clear chance, even though the leak was caused by his own negligence. *Mann Bros. v. City of Henderson*, 154 Ky. 154, 156 S. W. 1063.

In an action against a water company for damages to plaintiff's house by flooding, where the evidence

could supply the required scintilla only upon the theory, inherently impossible and at variance with physical and mechanical laws, that the defendant turned the water into the pipes with such force as to open the faucet by unscrewing it at a washstand, the defendant's motion for a directed verdict should have been sustained. *Louisville Water Co. v. Lally*, 168 Ky. 348, 182 S. W. 186.

FURNISHING WATER OUTSIDE CITY LIMITS

A city does not exercise a governmental or legislative power in the management and operation of a waterworks, but a mere business power, and it may conduct such plant in the manner which, in the judgment of the city council, promises the greatest benefits to the city and its inhabitants, and courts will not interfere with the reasonable discretion of the council in such matters. *City of Henderson v. Young*, 119 Ky. 224, 83 S. W. 583.

Statutes conferring sovereign and governmental powers upon a city must be strictly construed, but powers given a city for the private advantage of it and its inhabitants are to be construed in accordance with the general rules applying to private individuals or corporations. *City of Henderson v. Young*, 119 Ky. 224, 83 S. W. 583.

A statute authorizing a city to provide "the city and the inhabitants thereof" with water and light, does not prohibit the city from extending such service to points without the city limits, where it can do so with little additional expense and in such a way as to result in advantage to the city and its inhabitants. *City of Henderson v. Young*, 119 Ky. 224, 83 S. W. 583.

Where a city has legislative authority to erect a dam for the purpose of waterworks for the city, it may lawfully lease for private purposes any excess of water not required for its waterworks. *City of Henderson v. Young*, 119 Ky. 224, 83 S. W. 583.

A city owning and operating waterworks may contract to supply water for use outside of the city, where there

will be sufficient water remaining to supply the residents of the city. *Rogers v. City of Wickliffe*, 29 Ky. Law Rep. 587, 94 S. W. 24.

An action is maintainable by an individual taxpayer of a city to enjoin the execution of a contract made by the city to supply an adjoining municipality with water, on the ground that the contract is ultra vires. *Dyer v. City of Newport*, 123 Ky. 203, 94 S. W. 25.

A city is not authorized to undertake by contract, or otherwise, to discharge a governmental duty to localities other than its own territory for the reasons, first, that a municipality has only such power as is expressly delegated to it by the legislature and such as is incidentally included therein; and, second, that to execute any power of government presupposes the power to levy and collect taxes from its inhabitants and property within its jurisdiction to defray the expenses incurred in its execution. *Dyer v. City of Newport*, 123 Ky. 203, 94 S. W. 25.

Where a city owns and operates its own electric light plant or its own waterworks, it may legally sell any excess of its product to outsiders, but it cannot acquire a franchise, by purchase or otherwise, in the absence of legislative authority, to operate a waterworks system in and for the benefit of another municipality. *Dyer v. City of Newport*, 123 Ky. 203, 94 S. W. 25.

Where a waterworks system is owned and operated by a city the fact that water is furnished to neighboring towns and their inhabitants does not serve to deprive the city of exemption from taxation on the waterworks. *District of Highlands v. City of Covington*, 164 Ky. 815, 176 S. W. 192.

STREET SPRINKLING

The sprinkling of city streets, being necessary to preserve the public health and comfort, is a public purpose for which taxes may be levied and collected without violating Section 171 of the Constitution providing that

taxes shall be levied and collected for public purposes only. *Maydwell v. City of Louisville*, 25 Ky. Law Rep. 1062, 76 S. W. 1091, 63 L. R. A. 655.

"It cannot be successfully denied that the dust upon the streets of large cities is a fruitful source of disease, as well as of annoyance to the citizens. The same principle which authorizes the streets to be cleaned for the purpose of preventing noisome odors and epidemic of disease authorizes them to be sprinkled. Whatever public service the municipal corporation may, itself, perform, it may hire others to perform for it, if it appears that the latter method is the cheapest, and the best, unless there be some constitutional or statutory inhibition." *Board of Councilmen of Frankfort v. Commonwealth*, 29 Ky. Law Rep. 699, 94 S. W. 648.

The sprinkling of streets does not confer a special benefit on adjacent property, in the sense of adding to its value, and an Act authorizing the assessing of the cost of sprinkling against the property abutting on the streets is invalid. *City of Owensboro v. Sweeney*, 129 Ky. 607, 111 S. W. 364, 18 L. R. A. (N. S.) 181.

A city engaged in flushing its streets, in the interest of its inhabitants and of the safety of the general public, and making no profit from such service, is exercising a governmental function and is not liable to one injured by the negligence of its employees, or defective hose, while engaged in such service. *Kippes v. City of Louisville*, 140 Ky. 423, 131 S. W. 184, 30 L. R. A. (N. S.) 1161.

In an action against a city for injuries caused by a garbage wagon attached to a sprinkling wagon, both used by defendant in care of its streets, defendant was not liable, whether the sprinkling wagon was engaged in sprinkling or was being drawn to another part of the city, so long as the city employees were engaged in a governmental function. *City of Louisville v. Carter*, 142 Ky. 443, 134 S. W. 468.

Under a charter authorizing a city to incur indebtedness for "municipal purposes," the furnishing of water

for street sprinkling is a municipal purpose for which an indebtedness may be incurred. *City of Winchester v. Winchester Waterworks Co.* 149 Ky. 177, 148 S. W. 1.

A water company chartered for the purpose of supplying a city and its inhabitants with water has power to make reasonable regulations in respect to furnishing water for sprinkling streets in the city; and regulations requiring persons engaged in the business to obtain a license from the company, and providing that more than one license would not be granted covering the same street or part of a street, which should be granted to the applicant having the largest list of petitioning owners of abutting property, are reasonable, and within the company's powers. *Louisville Water Co. v. Wiemer*, 130 Fed. 257.

LIABILITY FOR IMPURE WATER

A contract between a city and a water company provided that the latter should furnish pure water for drinking and domestic purposes from a standpipe of sufficient height to throw a stream of certain force and dimensions for the purpose of extinguishing fires, etc. On trial of actions by the water company to recover a sum which the city agreed to pay quarterly for the use of the water and to maintain the plant, and by the city to cancel the contract on the ground that the water company had not complied with its conditions, it appeared that for from three to six months of the year the water which was furnished was impure, unfit for drinking or other domestic purposes, and, when used for sprinkling streets and lawns, gave off a noxious odor, but that the city had derived much benefit during other seasons of the year, and that, though the standpipe was not of sufficient height to afford the protection against fire contemplated, a considerable degree of protection was furnished. Held, that the contract should not be declared void for failure to furnish pure water and to maintain a standpipe of the height required, nor should the city be compelled to pay full compensation, but that it should pay a reasonable price for the water furnished, and if,

within a reasonable time, the water company should fail to furnish water in accordance with its contract, the city should be absolved therefrom. *Harrodsburg Water Co. v. City of Harrodsburg*, 24 Ky. Law Rep. 2193, 73 S. W. 1032.

Where a contract between a city and a water company provides that the company shall obtain the water to be supplied from a source which is furnished by the city, the company cannot be compelled to filter the water when the source becomes impure without its fault. *City of Georgetown v. Georgetown Water Co.*, 134 Ky. 608, 121 S. W. 428, 24 L. R. A. (N. S.) 303.

TAXATION OF WATERWORKS

Water companies are subject to taxation by the express terms of the statute and cannot claim exemption by reason of the public benefits which they confer. *Louisville Water Co. v. Commonwealth*, 5 Ky. Law Rep. 519.

The property of a water company necessary for its use cannot be seized or sold by a collecting officer and the chancellor should require the company to pay the taxes into court; and, upon its failure to do so, place the management of the corporation in the hands of a receiver until the tax is paid, unless it appears that the land owned by the company is not necessary to its operation, in which event the chancellor should direct the sheriff to sell it. *Louisville Water Co. v. Commonwealth*, 5 Ky. Law Rep. 519.

Water companies are liable to taxation under the provisions of the General Statutes and a special act exempting a water company from payment of taxes does not apply to taxes accrued prior to its passage. *Louisville Water Co. v. Hamilton*, 81 Ky. 517, 5 Ky. Law Rep. 557.

A water company being established for the public benefit its property cannot be seized by the sheriff and sold for taxes. If it refuses to pay it may be compelled by rule or by the appointment of a receiver to operate the property. *Louisville Water Co. v. Hamilton*, 81 Ky. 517, 5 Ky. Law Rep. 557.

A suit for taxes cannot be brought against a water company, for the collection of taxes by that method, in the absence of legislative provision authorizing suit for such purpose. *Louisville Water Co. v. Commonwealth*, 89 Ky. 244, 12 S. W. 300.

Where a law of a state exempts a corporation from taxation, but there is a previous law that the Legislature may alter or amend charters and laws, a subsequent statute making the property of the corporation subject to taxation does not impair the obligation of any contract which it had with the State by the law giving the exemption. *Louisville Water Co. v. Clark*, 143 U. S. 1. (Reversing *Clark v. Louisville Water Co.*, 90 Ky. 515, 14 S. W. 502.)

The exemption from taxation granted to the Louisville Water Company, by the Kentucky Act of 1882, was withdrawn by the General Revenue Statute of 1886. It was competent for the Legislature to withdraw such exemption. *Louisville Water Co. v. Clark*, 143 U. S. 1. (Reversing *Clark v. Louisville Water Co.*, 90 Ky. 515, 14 S. W. 502.)

Where a water company is obliged to furnish a city with water in consideration of its exemption from taxation, after such exemption is withdrawn, it is no longer under such obligation, but may charge the city for such water. *Louisville Water Co. v. Clark*, 143 U. S. 1. (Reversing *Clark v. Louisville Water Co.*, 90 Ky. 515, 14 S. W. 502.)

A judgment of the County Court holding invalid an assessment against a water company for specified years, on the ground that its property was exempt from taxation, is not a ministerial but a judicial act and is conclusive until reversed or vacated. *Louisville Water Co. v. Clark*, 94 Ky. 47, 21 S. W. 246.

The exemption from taxes acquired by the Louisville Water Company under the Kentucky Law of 1882, which required it to furnish water to the City of Louisville for fire protection free of charge, although withdrawn by the law of 1886, continued as to taxes which

were assessed and became due prior to the time when the act of 1886 took effect. *Louisville Water Co. v. Kentucky*, 170 U. S. 127, (reversing *Louisville Water Co. v. Commonwealth*, 18 Ky. Law Rep. 2, 34 S. W. 1064).

The statute of Kentucky providing that the waterworks property of the City of Covington "shall be and remain forever" exempt from taxes does not constitute a contract, but was passed subject to a general statute of the state that all statutes shall be subject to amendment or repeal unless a contrary intent be therein plainly expressed. Neither the charter of a municipal corporation, nor any legislative act regulating the use of property held by it for governmental or public purposes, is a contract within the meaning of the national Constitution. *City of Covington v. Kentucky*, 173 U. S. 231 (affirming *City of Covington v. Commonwealth*, 107 Ky. 680, 39 S. W. 836).

A city cannot claim exemption from taxation on waterworks owned and operated by it, on the grounds that to impose the tax interferes with the vested rights of holders of city bonds, the bondholders not being parties to the proceedings. The fact that the law imposed no tax at the time the bonds were issued does not prevent the state from imposing a tax in subsequent years. *City of Newport v. Commonwealth*, 106 Ky. 434, 50 S. W. 845. (Overruled in *Board of Councilmen, etc., v. Commonwealth*, 29 Ky. Law Rep. 699, 94 S. W. 648.)

Under the Constitution in force in 1888, a city, though empowered by its charter to contract with a water company for water for fire and domestic purposes, had no authority, as a part of the consideration of the contract, to grant the company an exemption of its property from taxation. *City of Dayton v. Belleview Water & G. Co.*, 24 Ky. Law Rep. 194, 68 S. W. 142.

The property of a water company, the business of which is supplying water to the citizens of Louisville and vicinity, and all the stock of which is owned by the City of Louisville, is subject to taxation for city purposes.

The owner of all the stock of a corporation does not own the property of the corporation. *City of Louisville v. McAteer*, 26 Ky. Law Rep. 425, 81 S. W. 698, 1 L. R. A. (N. S.) 766.

A city waterworks plant is not "public property, used for public purposes," within the meaning of Section 170 of the Constitution, exempting such property from taxation; and, therefore, a special Act, exempting from taxation the waterworks of the City of Covington, was repealed, by implication, by Section 170 of the Constitution. *City of Covington v. Commonwealth*, 107 Ky. 680, 39 S. W. 836. (Overruled in *Board of Councilmen, etc. v. Commonwealth*, 29 Ky. Law Rep. 699, 94 S. W. 648.)

An act exempting city waterworks from taxation so long as they should be unproductive did not give a contract right, so as to prevent its repeal by the Constitution. *City of Newport v. Commonwealth*, 106 Ky. 434, 50 S. W. 845. (Overruled in *Board of Councilmen, etc. v. Commonwealth*, 29 Ky. Law Rep. 699, 94 S. W. 648.)

Where a city which owns and operates waterworks makes a charge for water it must pay the franchise tax required by law, as if it were a private corporation owning such works. *City of Newport v. Commonwealth*, 106 Ky. 434, 50 S. W. 845. (Overruled in *Board of Councilmen, etc. v. Commonwealth*, 29 Ky. Law Rep. 699, 94 S. W. 648.)

A city is subject to taxation upon the franchise of a water company which it exercises, and an adjudication that the city was not subject to taxation upon its waterworks for a certain year is not a bar to the collection of a tax for the same year upon its franchise as a water company. *Negley v. City of Henderson*, 22 Ky. Law Rep. 912, 59 S. W. 19. (Overruled in *Board of Councilmen, etc. v. Commonwealth*, 29 Ky. Law Rep. 699, 94 S. W. 648.)

Waterworks, owned by a city, are essential to the public health and comfort and cannot be sold for taxes; but where the city has failed, after reasonable demand, to

pay taxes due thereon to a taxing district, the district may, by a direct proceeding, have a receiver appointed to take charge of the property and collect the taxes. *City of Covington v. District of Highlands*, 113 Ky, 612, 68 S. W. 669. (Overruled in *Board of Councilmen, etc. v. Commonwealth*, 29 Ky. Law Rep. 699, 94 S. W. 648.)

"The legislature authorizes municipalities to levy and collect taxes for the purpose of building and maintaining waterworks, and lighting plants. They are acquired for public purposes and maintained for public purposes. They are paid for with money that arises from the levy and collection of taxes which can only be levied and collected for public purposes. Water is essential to the comfort, health and safety of the citizens of the municipalities. It is also essential to the safety and protection of the citizens of municipalities that their streets should be lighted. Experience has taught that the streets of cities should be lighted, not only for the protection of the citizens, but the property as well. Therefore the legislature has recognized waterworks and lighting plants as public necessities. The right of municipalities to tax their inhabitants for the purpose of raising money to build and maintain these plants is not even questioned, and this court has repeatedly recognized that it can be done." *Board of Councilmen of Frankfort v. Commonwealth*, 29 Ky. Law Rep. 699, 94 S. W. 648.

"It cannot be doubted, at this day, that whatever is necessary for the preservation of the public health and safety, is a public purpose, within the meaning of section 171 of the Constitution. For the purpose of furnishing the citizens with pure water, waterworks may be established, and public wells dug and maintained; that the public highways may, without peril, be traveled at night, they may be lighted at the public expense; that the people may have convenient and wholesome places for resort, public parks may be established and kept. For the education of the young, public schools are conducted. For the support of the indigent aged, almshouses are provided. For the reformation of vicious young, re-

formatories are maintained. For the relief of the sick, hospitals are provided. For the protection of the public health, nuisances are abated, streets and sewers are flushed and cleaned. As a protection against conflagration, fire departments are established, and, as a safeguard for life and property, police departments are organized." *Board of Councilmen of Frankfort v. Commonwealth*, 29 Ky. Law Rep. 699, 94 S. W. 648.

"The city is authorized to acquire and own waterworks plants, because water is needed for the purpose of flushing sewers of the city, and carrying off the material which would accumulate in the city that would cause sickness and produce death. If a city can build sewers at public expense because they are a public necessity, it would seem that the same necessity exists for acquiring waterworks for the purpose of making the sewer useful and accomplishing the purpose for which they are built. Likewise, water is needed by the inhabitants of the town to carry away the effete matter from the various residences to the sewers in the street. The public is just as much interested in carrying such matter from the homes of the citizens as it is in carrying it through the sewers of the city after it reaches them. The same necessity rests upon the city to see the inhabitants are supplied with water for that purpose as it is to see that a sewer is constructed for the purpose of carrying the matter away after it has flown into them. In the first instances, it is the duty of the Commonwealth to look after the public health of the citizens. It has made the municipality its agent for that purpose." *Board of Councilmen of Frankfort v. Commonwealth*, 29 Ky. Law Rep. 699, 94 S. W. 648.

"In the *City of Newport v. Commonwealth*, 106 Ky., 434, the decision is based, in part, upon the fact that the city while operating the waterworks for the convenience of its people, makes charges against them for furnishing them with water, and *Bailey v. New York*, 3 Hill, 531, is cited in support of that conclusion. The water is not sold for private purposes, but for public purposes.

It is not sold to make a profit for the benefit of the city in its private capacity, but for public purposes. The New York court subsequently failed to follow *Bailey v. New York*, and said (148 N. Y. 49), that: "The imposition of water rents is but a mode of taxation and a part of the general scheme for the purpose of raising revenue with which to carry on the work of government, and that if any profits accrue over the expense of maintaining the system, they go for the benefit of the public." We rather base our conclusion upon the fact that the municipality, by reason of its agency of the state government, is required to look after the health of its citizens, and it supplies water to them for compensation as the best means of accomplishing that purpose, and that any excess of income over the expenses of maintaining the waterworks goes, not to the municipality in its private capacity, but to it in its public capacity, for the relief of the citizens of public burdens." *Board of Councilmen of Frankfort v. Commonwealth*, 29 Ky. Law Rep. 699, 94 S. W. 648.

Though a municipality has acquired all the shares of stock of a water company, the property of the water company is not thereby converted into public property used for public purposes within Const. 170, exempting from taxation public property used for public purposes; the shares of stock not being identical with the corporate property itself for taxation purposes. *Bell v. City of Louisville*, 32 Ky. Law Rep. 699, 106 S. W. 862.

The act of the General Assembly of Kentucky, approved March 6, 1906, entitled, "An act in relation to the control, management and operation of waterworks in cities of the first class" (Acts 1906, p. 52, c. 16), does not change the status of the water company towards the city. The changes made are merely as to the management of the water company, and the appointment of its board of directors; but the corporate entity remains, and the shares of stock are still owned by the sinking fund of Louisville. *Bell v. City of Louisville*, 32 Ky. Law Rep. 699, 106 S. W. 862.

The City of Covington is but a political subdivision of the state, intrusted with the power to maintain its waterworks for the comfort, health, and safety of its inhabitants. The fact that water rents are paid by the inhabitants of the city using the water does not affect the question. There is nothing connected with the work which is not of a governmental and public nature. *Commonwealth v. City of Covington*, 128 Ky. 36, 107 S. W. 231.

The fact that appellee's reservoir, pumping station, and some of its mains lie outside of the municipality and in another county, or that it may incidentally derive some revenue from the use of the water by persons living near its mains and outside of the city limits, cannot affect the question. Very few cities have such property situated within their corporate limits, and in many instances it has been found necessary to locate it miles away. The test is: Is the property used for public purposes; that is, primarily for the health, comfort, and welfare of the inhabitants of the city? If so, it is exempt from taxation. We do not mean that a city may enter upon the business of maintaining a waterworks system for other cities or towns, but only that the fact that it incidentally furnishes water to a considerable number of persons in proximity to the city, without injury to the rights of the inhabitants of the city, does not alter the public character or use of the property, or make it subject to taxation. *Commonwealth v. City of Covington*, 128 Ky. 36, 107 S. W. 231.

The capital stock of a water company was owned by a city, and its council adopted an ordinance directing the commissioners of its sinking fund, custodians of the stock, to vote the whole of it for the transfer of the property to the city, to be, when transferred, under the control of the board of waterworks. The commissioners voted the stock at a regular meeting for the purpose indicated, and thereafter the president and secretary of the corporation, by resolution of its board of directors adopted at a regular meeting, executed and delivered a deed conveying the property to the city. Held, that the

transfer of the property to the city was valid. *Ryan v. City of Louisville*, 133 Ky. 714, 118 S. W. 992.

As the City of Louisville is but a political subdivision of the state, and may under its charter own and maintain for the health, safety, and comfort of its inhabitants, the system of waterworks to which it has legally acquired title, such use of the property, being a use for public or governmental purposes exclusively, exempts it from taxation. *Ryan v. City of Louisville*, 133 Ky. 714, 118 S. W. 992.

An agreement between a city and a water company that the company will furnish and supply all water for public buildings, etc., for such amount annually as shall equal the amount assessed by the city in taxes upon the waterworks system and franchises, in the absence of anything to show the want of good faith, that the contract is inequitable or imposes an unjust burden on the other taxpayers, or that the services performed by the company are disproportionate to the amount of taxes, will not be regarded as an exemption from taxation, but as a provision for the payment of the taxes by rendering services equivalent thereto, and hence is valid, especially where it has been carried out by the parties for a number of years. *City of Winchester v. Winchester Waterworks Co.*, 149 Ky. 177, 148 S. W. 1.

If the contract between a city and a water company by which the company agrees to furnish water for specified municipal purposes for the amount of taxes assessed annually against its waterworks and franchises constitutes the creation of an indebtedness within the meaning of a provision of the charter limiting the amount of the indebtedness which the city may incur, it will not be held invalid on that ground, unless the city alleges and proves that by such contract an indebtedness exceeding the specified limit was imposed on the city. *City of Winchester v. Winchester Waterworks Co.*, 149 Ky. 177, 148 S. W. 1.

Section 170 of the Constitution and Section 4026, Kentucky Statutes, providing that public property used

for public purposes shall be exempt from taxation, refers only to general ad-valorem or property taxes, and not to special assessments for street improvements. But such property cannot be sold to satisfy a special assessment for a street improvement. *City of Mt. Sterling v. Montgomery County*, 152 Ky. 637, 153 S. W. 952.

Under Ky. St. 3104, providing that the net revenue derived by any city of the second class from its waterworks shall be applied exclusively to the reimprovement and reconstruction of its streets and the public ways, the reservoirs, and other parts of a city waterworks system, located in a neighboring rural municipality, are exempt from taxation, under Const. 170, as public property used for a public purpose, though the city, under the authority given it by Ky. St. 3058, subd. 4, was supplying neighboring towns, cities and individuals, which had a total population equal to about one-half of the population of the city, and a much larger plant was thereby required than would be sufficient to supply only the city, since all the income therefrom must be applied solely to a public purpose. *District of Highlands v. City of Covington*, 164 Ky. 815, 176 S. W. 192.

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